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A Tale of Three Wars

Daniel P. Moynihan . . The War Against the Automobile

Earl Raab . . . . . What War and Which Poverty?

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The New Society-II

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Editors:
Daniel Bell and Irving Kristol

Publisher:
Warren Demian Manshel

Publication Committee:
Murray L. Silberstein (chairman)
Leo Cherne
Daniel P. Moynihan
Arthur J. Rosenthal
Leo Rosten
Martin E. Segal
Stanley Simon

Editorial Office:
c/o Basic Books,
404 Park Avenue South, N. Y. 16

Subscription Office:
c/o Freedom House,
20 West 40 St., N. Y. 18

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Government by commission

DANIEL BELL

The National Commission on Technology, Automation and Economic Progress was, as they say, a "blue ribbon" Commission. It had, among its fourteen members, such public luminaries as Walter Reuther, Thomas J. Watson, and Edwin Land. The Commission itself had been created by Congressional act and its members, though chosen by the President, were subject to Senate confirmation. It had a million dollars to spend as it willed, and a professional staff of eleven, plus the resources of a dozen governmental agencies to assemble whatever data it needed.

The tasks of the Commission, as set forth by the enabling Act, were: "to assess the past effects and the current and prospective role and pace of technological change . . . to describe the impact of technological and economic change on production and employment, including new job requirements and major type of worker displacement which are likely to occur during the next ten years . . . to define those areas of unmet community and human needs toward which application of new technologies might be most effectively directed . . ."

The Commission worked hard. It met regularly in Washington for a minimum of two full days a month, for about eleven months, to hear witnesses, consider research reports, and discuss policy. About five of the more affluent members (including two labor representatives) regularly brought down personal staff assistants to prepare detailed briefs supporting their points of view. A considerable amount of homework was done by the Commission members in preparation for the sessions; and towards the end of the year, the four academic

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members, who had the assignment of drafting the report, were closeted regularly in Cambridge, New York, Los Angeles, and Washington with the professional staff for the purpose of reviewing research material and weighing comments from various consultants to which sections of the report had been submitted. A kaleidiscopic array of witnesses were heard, including Robert Theobold of the Ad Hoc Committee on the Triple Revolution, Buckminister Fuller, Leon Keyserling, Francis Keppel, Otto Eckstein of the Council of Economic Advisors, James Russell of General Electric's Tempo (long-range forecasting) division, and, during one long lunch hour – witnesses were often heard during and after the lunch hour to economize on time – three representatives of the C.I.A. who briefed the Commission on developments in cybernetics in the Soviet Union. The thirty or so research reports commissioned directly by the Commission – to be published separately as appendices to the Report itself – on such topics as the Rate of Diffusion of Technology, the Prospects of Numerical Process Control Computers, Commercial Information Processing Networks, Technological Forecasting, Manpower Requirements in 1975, etc. – add up to what is probably the most comprehensive set of materials on technology and the American economy ever assembled.

The final report of the Commission was presented to the White House at the end of January. In the several months before, when successive drafts of the report were being reviewed, staff assistants at the White House had been kept informed of progress made, and drafts of the report had circulated through top government agencies. Yet the reception of the report was curious indeed. The Commission members had been told that the report would be presented in person, to the President, sometime at the end of the month, and were asked to keep three days open in the middle of the week, to come to Washington for the presentation. But, on two days notice, the Commission members were asked to come to Washington on a Saturday afternoon. When the White House was told that the notice was peremptory, the date was changed to Monday – which, ironically enough, was the day of the greatest snowfall of the year in Washington, and all government activities were cancelled. On Thursday of that week, the executive secretary of the Commission was telephoned by the White House press office, and was told that the Commission report would be released that afternoon; and, at the end of Bill D. Moyers' regular press conference, the report was in fact released to the press, in desultory fashion, with no member of the Commission on hand to answer questions, and no prior advance notice to the press that the report would be forthcoming – an advance notice which is usually given when the White House wants its press corps to reserve space with its city editors about important stories.

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How explain the discrepancy between the scope and intensity of the Commission's efforts and the reception of its report by the White House? The ostensible reason, as one was told it, was that the "automation" issue, which had been a burning one when the Commission was created, was no longer important in the face of a steadily decreasing unemployment rate. The private reason, one learned, was that the report was thought to be too "controversial," and that the White House did not want to become identified too directly with some of the proposals that had been put forward by the Commission.

The irony in all this is that the Commission had made truly strenuous efforts to reach a consensus in order to gain the strongest possible support for its recommendations. Divisions among Commission members, while never extreme, had been sufficiently sharp for some persons, on occasion, to talk of writing a minority report. It had been a "leak" to the press by the labor members, during the AFL-CIO convention in December, of such a possibility, that had brought considerable press attention to the Commission and a bird-dogging of the Commission sessions by the New York *Times*. In fact, however, there was never any real possibility of a minority report; for those who muttered most about it, the labor members, had every reason to be most satisfied with the report. The one section they did not like – the section which reported that, while there had been some acceleration of technological change, this was not of sufficient magnitude to create a socio-economic crisis if simple fiscal policies of maintaining adequate demand were followed – did undercut the "ideological" basis of many trade union arguments; but it did not really affect the substantive recommendations of the Commission, which dealt with the considerable gaps and flaws in the operation of a genuine welfare state.

There is little doubt that the proposals put forth by the Commission will find their way into public policy in the next decade. (They may even become the planks of the Democratic Party in 1968.) Among the more than twenty recommendations, there is a proposal that the Government should become the "employer of last resort" for individuals who have exhausted unemployment insurance benefits and should provide jobs for them in communal services (a survey done for the Commission found that 5,300,000 useful jobs, mainly unskilled, could be filled in health, education, and recreation tasks if monies were available to local agencies); that the government provide a "floor" under family incomes by some such devices as the negative income tax or a guaranteed minimum income; that free public education for fourteen years (through the second year of college) be provided for all qualified students, with special financial subsidies for children from disadvantaged homes; that a computerized job-man matching system on a national, regional, and local labor-

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market level be created, in order to expedite job searches; and that some system of social accounts, to supplement the present system of national economic accounts, be explored, in order to assess the social costs and benefits of change as well as to provide "performance budgets" of accomplishment in such areas as health, housing, etc.

And yet, what may be most important in the long run is not the proposals themselves, or the graceless manner in which the White House brushed them temporarily under the rug, but the fact that so crucial a social problem had been turned over to a Commission in the first place.

THE idea of government commissions is, of course, an old one. In the United States, in the first decades of this century, the numerous Industrial Commissions were important bodies in hearing evidence on labor conditions and their work led to significant reforms. But in recent years, the number and variety of Government commissions have expanded enormously, and these commissions seem to be developing into a new and unanticipated mechanism of government. Curiously, there is no full record available, in government, of the number of government commissions, statutory and *ad hoc*, created in the last half-dozen years. Inquiry at the Records Office of the White House, the personnel office of the White House, and other government agencies has revealed that no such inventory exists.

One can say, perhaps schematically that five different kinds of functions are served by Government commissions. There are, broadly, the *advisory* kind of commission, such as the President's Science Advisory Committee (PSAC) or the Labor-Management Advisory Committee, which are statutory bodies with fixed-term memberships; the *evaluation* commissions, such as that headed by Dean Woolridge to assess the operations of the National Institutes of Health or the one headed by Emanuel Piore of I.B.M. to assess the work of government science laboratories; the *fact-finding* bodies, the most typical of which are those created to deal with national strikes; the *public relations* groups, such as the White House conference on education to call public attention to various problems; and the *policy recommendation* Commissions, such as the DeBakey Commission on Health, which recommended a national policy to focus research and treatment on Heart, Cancer and Stroke; the Linowitz Commission on Foreign Aid, or the National Commission on Technology, Automation and Economic Progress.

To some extent such bodies take over, duplicate, or compete with the functions of Congressional Committees, whose role as watch-dog agencies, or as public hearing bodies, have also expanded considerably in the last few decades. But, as mechanisms of the Executive branch, they have several new functions:

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(a) To provide a means for the direct representation of "functional constituencies" in the advisory process. There is an increasing tendency for the American polity to be organized in functional terms, and it is increasingly thought to be useful and proper to seek the "advice and consent" of such groups.

(b) To permit the Government informally to explore the "limits" of action by taking soundings within various bodies (such as the Labor-Management Advisory Commission) and to enable the government to exert pressure more directly within such bodies for particular policies.

(c) To serve as a direct public relations device to call attention to certain issues and to generate public sentiment for support of various policies. In the past, it was not unknown for government to encourage the formation of "independent" citizens groups which served as "fronts" for government-desired policies. The White House Conferences represent an advance upon this procedure; they are less a marked "pressure" device, and permit more open scope for discussion and confrontation with government spokesmen.

(d) And finally, the creation of various government bodies on public policy problems fosters what the political scientists call "elite participation" in the formulation of government policy.

All of these devices present certain dangers. The evident danger is that they simply become one more means of increased government manipulation of "public opinion." This danger is less real than it might seem, however; for government is not a monolith, shooting out orders from some central source, but a hydra-headed body with diverse interests and looking in different directions. Moreover, the plain fact remains that National Commissions often are one of the few places where a central debate over specific policy issues can be conducted. In the normal play of politics, the effort to formulate coherent policies, even by such disinterested bodies, say, such as the National Planning Association or Resources for the Future, or the more technical study groups such as the Brookings Institution, necessarily remain partial in their focus. The distinctive virtue of the Government Commission arrangement is that there is a specific effort to involve the full range of elite or organized opinion in order to see if a real consensus can be achieved. In the National Commission on Technology, Automation and Economic Progress, for example, the process of debate was, in some ways, as importnt as the conclusions that were finally reached. The labor people, for example, had to confront the hard, technical data which belied some of their ideological presuppositions; the industry people, in turn, had to grapple with the problems of providing for the "hard-core" unemployed, the failure of the market mechanism to meet various community needs, especially in health, air and water pollution, and various other social deficiencies

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in the system. The desire to deal with concrete problems, in a non-doctrinaire way, did mean, in part, the surrender of older prejudices, and the emergence of some new, imaginative social proposals. Even hard-shell conservative opposition to certain ideas was worn down quickly by the argument that new ideas were at least worth testing in some pilot fashion; while the facile and sometimes doctrinaire argument that "the government" should undertake all kinds of across-the-board programs was whittled away by the demonstration of ineptitude or heavy-handed institutional rigidity on the part of many government agencies. Increasingly, both arguments led to a conviction that more and more public functions had to be taken over by "new social forms" – be they regional authorities, inter-state compacts, decentralized authorities, and other devices which would assure the maximum flexibility, adaptiveness, and responsiveness to the multifarious nature of social change. And all of this was put within the context of the next ten years. It is true that the Commission did not expect any radical rupture in the pace of technological change ("We do not expect output per man-hour . . . to rise during the next decade at a rate substantially faster than the 2.8 percent characteristic of the postwar period . . . . Most major technological discoveries which will have a significant economic impact within the next decade are already . . . in a readily identifiable style of commercial development."). But the relevant point is that the policy recommendations were framed within a series of expectations about the future. In effect, what the National Commission on Technology had become was a "surmising forum".

All of this becomes more important in the face of what is surely the most important change in the character of government today – the attitude of being future-oriented. No government today can be passive in the face of the rapid changes which erode older social forms, or indifferent to the linked nature of economic change which now so quickly ties together all parts of the society. The concern of the Administration with health, education, poverty, and urban affairs all indicate that the government necessarily has to become an active agent to design new policies and to implement them. But as some of the studies of the Commission on the Year 2000 (of the American Academy of Arts and Sciences) have shown, many of these problems have to be looked at in terms of 20 and 30 year cycles, and ways have to be found to build these perspectives into some capital budgetary process.

Yet in this respect we are sadly deficient. The government today does not have any single agency which seeks to "forecast" social and technological change (though an individual agency, such as the Census Bureau, may be concerned with population trends, and the Council of Economic Advisors with short-run economic projections). There

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is no agency which seeks to link up current and possible future changes in a comprehensive way so as to trace out the linked effects on different aspects of government policy. And perhaps most importantly, at a time when we must begin consciously to choose among "alternative futures," to establish priorities about what has to be done – for it is only an illusion that we are affluent enough to take care of all our economic problems at once – we have no "forum" which seeks to articulate different national goals and to clarify the implications and consequences of different choices. The Congress is not such a forum. As Roscoe Drummond pointed out in a review of the legislation passed during the Johnson administration: "Congress does not resolve national controversies; it can only act after most of the controversy has been removed. This is what happened on all of this once controversial legislative program on which the Administration won such comfortable votes."

In his characteristically witty way, Bertrand de Jouvenal has summed up the problem as a choice between "Seraglio or Forum." In the one, decisions are taken in secluded rooms by small groups of men; in the other, decisions take shape by the process of open discussion. The contrast arises most sharply because of the altered nature of government. It is no accident, that, throughout the world, political power has passed increasingly to a strong executive, and that we have witnessed the decline of parliamentary, legislative, and Congressional government. Efforts to "mobilize" a society – for war or for social change – necessarily gives the executive an active and interventionist role, and reduces the importance of the legislature. Therefore, one of the major problems for the political process in a democracy is the question, as de Jouvenal has put it: "*How can the future become a matter for public opinion?*" This is where the study of the future and a "surmising forum" join hands. And this is where government by Commission makes, perhaps, its most useful contribution.

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The war against the automobile

DANIEL P. MOYNIHAN

A series of converging events make it likely that the United States is, at long last, going to come to terms with a gigantic domestic problem that has attracted enormous attention but almost no interest: traffic safety. It is not at all clear how much will be made of the present opportunity. But much more is at stake than is generally perceived. To grasp this, it is necessary to have some idea of the dimensions and the ramifications of the problem.

Automobile injuries and deaths began to cause concern before the First World War. In the 1920's, when the automobile became a standard family possession, it also created what is by now an endemic public health problem. The National Health Survey indicates some 4 or 5 million persons are injured each year, involving perhaps 100,000 permanent disabilities. Another 50,000 injuries are fatal. In Korea the Air Force found that automobile injuries were generally more serious and required longer hospitalization than battle casualties. One can be fairly certain the same is true in Viet Nam.

The economic costs are considerable, of course. A disproportionate number of the persons killed or permanently disabled represents an almost complete loss on a heavy investment: they are persons with twenty years of nurture behind them and presumedly forty years of productive work ahead. The cost estimates are surpassingly fuzzy, but something like 2 percent of the Gross National Product seems about right, if property damage accidents are included.

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Little attention has been given to the indirect social costs of traffic accidents, although these are probably the more serious ones. American adults probably have more direct relationship to government through the management of the motor vehicle system than in any other way. There are some 90,000,000 persons who are are licensed to drive. Nothing like that number pay taxes, vote, engage in "participatory democracy," or know that the mainland of China is controlled by Communists. A driver's license is close to a necessity of life for many, perhaps most Americans, and the power of government to grant or deny it, or to suspend or withdraw it, is, of course, considerable. Oddly enough, it does not seem to have led to a very great deal of corruption -- perhaps because it is so near to the indispensable. It may be that corruption arises in areas where something more like privileges are dispensed. On the other hand, because the traffic laws are not observed, the system has made lawbreakers of just about everyone, and has resulted in the arrest and trial of vast numbers of persons. I should not be surprised if, as a consequence of the management of the system, the incidence of police arrest in American society is the highest of any in history. I am not clear that it is good for a society that the persons in it become accustomed to being arrested. ject of this development is that we seem no longer to think George Orwell, of course, kept insisting that oppression comes on ...tle cat's feet, and that once it has happened it no longer seems like oppression.

The most important impact of traffic law enforcement has been on the courts and the legal profession. It is probably true that the judicial and legal profession of the United States devotes almost one half its time to the ajudication and adjustment of automobile matters, and earns perhaps a third of its fees that way. An editorial in the *New York Times* reports that "automobile negligence suits make up from 50 to 90 percent of the case loads of civil courts throughout the country." This appears to be true in the appellate divisions as well as in the lower tribunals. It inevitably has led to a startling backlog of cases in American courts. In New York, for example, it takes over *four years* to get a jury trial convened. In measure that justice delayed is justice denied, it would seem there are clear implications of such delays for a society that wishes to be a just one. The advantages that the wealthy have over the poor in such a system are obvious. Whether or not this situation will bring about an eventual erosion of respect for the judicial process, is a related question.

Preventing accidents or injuries?

Now these are a familiar assortment of sorrows: life is expensive; justice, elusive; death, inevitable. There is little to be said for or against them unless it can be seriously argued that, in this particular

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case, they are unnecessary – or at least meliorable. Not only can such an argument be made; increasingly, it is not even disputed. There is a considerable body of empirical evidence – of which the different accident experience of different road systems is the most striking – that automobile accidents can be reduced without substantially comprising the essential transportation system by which they are generated.

It should be noted on the other hand that there is not much evidence that the number of accidents can be substantially reduced simply by altering the behavior of drivers while maintaining a near universal driver population. It may be this can be done, but it has not been done. This leads to the basic strategy of crash injury protection: it is assumed that a great many automobile accidents will continue to occur. That being the case, the most efficient way to minimize the overall cost of accidents is to design the interior of the vehicles so that the *injuries* that follow the *accidents* are relatively mild. An attraction of this approach is that it could be put into effect by changing the behavior of a tiny population – the forty or fifty executives who run the automobile industry.

It would also seem obvious that the legal problems of ajudicating the consequences of traffic accidents could be considerably reduced. Most accidents are probably not worth ajudicating: a simple claims precedure as proposed by various judges, and most carefully by O'Connell and Keeton, would eliminate a large part of the case load (as would, of course, a reduction in accidents). Most significantly, a careful enquiry might well reach the conclusion that in many cases it is simply not possible to establish by testimony and similar evidence just how an accident occurs, much less who is to blame. The system failed, and that is about all that is to be learned with finality. With the best will in the world on the part of persons testifying, it is probable that for many high speed accidents the essentials events are beyond the threshold of perception of the persons involved. (Supposing murder trials were conducted on the basis of demanding to know of witnesses which way the bullet was travelling when the victim was hit!)

II

If the reduction of accidents and injuries – and of the social costs they give rise to – is possible, how is it that this has not been done? More to the point, why has it not been seriously attempted?

It is not that no one has noticed the problem. On the contrary, there are few public issues which have been so consistently the subject of comment by government officials, communications media, service organizations, and the like. There is every reason to suppose the public is highly sensitive to the subject, and that it can be a

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rewarding political issue. (In a recent survey by *The Economist*, British voters were asked to name what they thought was the single most important issue in the then forthcoming British general election, "Without any prompting," more named "road safety" than taxes.) Why, then, so few results?

I am persuaded there are at least three clusters of reasons that explain this failure.

First, The Venality of the Automobile Industry.

The object of the automobile industry is to make money, but also to make automobiles. For a long period, perhaps because of the influence of corporate managers who were also engineers and took great interest in design as well as styling questions, the industry was highly innovative and, in the view of persons who should know, produced increasingly safe and well-engineered vehicles. For the past quarter century, however, financial management seems to have been dominant, and the industry has become technologically moribund. The "failure" rate of vehicles has been allowed to settle down at a level which in any comparable field would be regarded as absurd and unacceptable. Thus, in 1959, William Haddon, Jr. and I calculated that almost one out of every three automobiles manufactured in Detroit ends up with blood on it.

To a perhaps surprising degree, the profits of the industry are related to these accidents (although not of course to the injuries). Much attention has been paid to the concept of "planned obsolescence" (which itself may account for a fair number of vehicle failures) but almost no interest has been shown in the role of accident damage in creating a market for the products of the industry. There are anywhere from 15,000,000 to 40,000,000 accidents a year. While in the Department of Labor, I made some rough estimates that perhaps 20 percent of the total production of the automobile industry is required to replace or repair damaged vehicles.

I believe it can no longer be doubted that within the higher executive levels of the industry there has been a conviction that an excessive concern with safety is bad for business. Ford made a serious effort in 1956 to sell a safer car; this was accompanied by a bad sales experience that has apparently frightened off the entire industry ever since. Chrysler, at a time of management troubles, made some important statements on the subject, and has kept a highly competent man on as its safety engineer, but has not gone much beyond that. On balance, the impression anyone following the subject must have is that the sales managers have been consistently opposed to any systematic concern with safety design, and have had their way.

This is the hardest possible case to prove, of course, but there is evidence. One of the few glimpses inside the industry came from

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testimony in the 1959 case of *Comstock v. General Motors Corporation,* heard in the Supreme Court of Michigan. Anyone concerned with the morality of American business organizations would have to be appalled by *Comstock.* The uncontested facts of the case are that the 1953 Buick Roadmaster had a defective power brake system (involving a ring sealer in the hydraulic brake master cylinder which allowed the brake fluid to escape from the cylinder.) Having manufactured this car, and having discovered that the brakes did not always work, the manufacturer's response was as follows, in the words of the Michigan Supreme Court:

"The matter was judged serious enough by General Motors to require the issuance of 2 separate kits for replacement of the defective parts.

"The agencies were instructed to make repairs on the power brake system at General Motors' expense whenever 1953 Buicks came into the shops. These repairs were made without notice to the owners and even if there was no complaints about the brakes. No warning to owners of 1953 Buicks equipped with these power brakes was given either by General Motors, or by the agency. . . .

"Wentworth, the Lawless Buick agency service representative, testified on this point:

"A. *Because I was not allowed a campaign to call these people or mail anything to them.*

"The Court: *They asked you to call them.*

"A. *They said to get these cars whenever you could get your hands on them. When a customer didn't come around I couldn't look up the thing. I thought it was Buick's responsibility. Most of the time on things like that owners were sent registered letters. I was not allowed to do that.*

"The Court: *Who said you couldn't send letters?*

"A. *The service department at Buick. It was a hush thing. They didn't want the public to know the brakes were bad and they were very alarmed.*

"Mr. Kraus, the general service manager of Buick, testified somewhat differently:

"Q. *Mr. Kraus, did the Buick Motor Division ever contact the owners of these cars?* A. *No, sir.*

"Q. *Didn't advertise what the conditions were?* A. *No, sir.*

"Q. *Were any parts ever sent to a dealer as replacement parts unless he asked for them?* A. *No, sir.*

"Q. *I take it nothing was done at all by the Buick Motor Company or Buick Division of General Motors unless and until the parts were asked for and then they were given, if possible?* A. *The parts were ordered by the dealer and shipped to the dealer by us.*

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"Q. *That is all the Buick Company did?* A. *Well, other than put out the technical information such as the bulletin you just read there.*

"The Court. *You didn't call them up and say, get all these cars in and have them repaired?* A. *No, sir.*

"Q. *Why not?* A. *Well, in the first place that is the obligation of the dealer, and in the second place we don't know who all the owners are or where they are.*

"Q. *Did they ever do anything to find out?* A. *We have no right to tell the dealer how to run his business. He is an independent business man.*

Q. *But did you do anything to find out?*

"A. *No.*"

Just how general such conduct has been in the industry is an open question: but the attitude underlying it has been general and manifest. When the possibility first began to be raised that the impurities in automotive exhausts might cause cancer as well as smog, the response of the industry was one of utter unconcern and flat refusal to do, until forced by legislation, what would have been easy and cheap to do (install blow-by devices as standard equipment).

There is a resistance to reasonableness in this field that is at once baffling and revealing. It was soon enough evident that the executives and engineers in the industry simply would not comprehend the idea of designing their machines so that the injuries that result from accidents would be minimized. This at least could be explained: these were one-subject-at-a-time men who would not accept the inevitability of accidents, or in any event were trying to design machines that would not have them as a result of mechanical failures. If the damned fools driving them wished to collide with one another, that was not the engineer's look out. (Even so, recent congressional hearings have produced evidence that the incidence of design failure *known to the industry* is much greater than anyone suspected. Evidence of failure in the obsolescent stage is also mounting. Non whites have much higher fatality rates than whites, owing presumedly to being forced by economic pressures to drive older and hence more dangerous vehicles.)

But beyond the unwillingness to face up to the persistence of accidents, there is an obtuseness on the overall subject of traffic safety, that is bewildering, coming as it does from men of unquestioned probity and manifest rationality in the management of their affairs in general.

On April 5, 1966, for example, Mr. John Bugas, Vice President of Ford, speaking for the industry before the Senate Commerce Committee, asking that the industry be given a chance to police itself, said "Whatever happened in the past, this industry is now wide-awake." They had got, he said, the message. Yet 10 days later, on April 15, Mr. Henry Ford 2d made it just as clear that this was not so. In an

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otherwise candid and positive statement of intention to make cars even safer than they are, Mr. Ford went on to criticize Mr. Ralph Nader, one of the most forceful critics of the industry, in terms that do no one any good: "He can read statistics and he can look up a lot of facts that are in the public domain, but I don't think he knows anything about engineering safety into automobiles," said Mr. Ford, "I think that, if these critics who don't really know anything about safety will get out of our way, we can go ahead with our job – and we have a job to do. We have to make our cars safer." This in itself is an understandable enough attitude for a manufacturer, and would not merit comment save for the remarks that preceeded it. Pointing out that "the driver is the most important factor [in safety] because if you drive safely accidents won't happen," Mr. Ford noted that laws passed by Senator Abraham Ribicoff when he was Governor "cut the deaths on Connecticut roads by about 50 percent" without any changes being made in automobiles.

If in truth there are laws which when enacted cut the number of highway deaths in half, it will surely be seen that this is an immensely important fact. And if the chairman of the Board of Ford Motor Company says it is a fact, we should have every reason to assume it is. What is then to be made of the discovery that it is not a fact? In the four years 1951-1954, the average number of highway deaths in Connecticut was 254 per year. In the four years of Governor Ribicoff's term, that followed, the average was 286. In the years since, the average has been 323. In the period since 1955 the number of accidents per year in Conecticut has more than doubled, the *rate* of accidents per hundred million vehicle miles has gone up 43 percent, and the rate of injuries up 29 percent.

It has been these frustrating, stubborn realities, among others, that have led Senator Ribicoff, for whom no praise could be too great in this area, to his present line of enquiry.

Mr. Ford's confusion is not an isolated event. It is in the pattern of events. Moreover, the message the critics of the industry have sought to deliver goes precisely to this point. If the companies will not respond fairly to information that *is* in the public domain, what can be the grounds for confidence that they are acting responsibly about information that until now has been entirely internal and private.

The practice of tire manufacturers, if not as extensively documented as those of the motor industry, is not more reassuring.

There is, of course, another major "industry" concerned with traffic safety: the insurance industry. With the exception of some mild experimentation carried out by Liberty Mutual and a few other groups, the insurance industry has done nothing of any consequence about traffic safety, so far as I am aware. I do not know why this is so, and have only the vaguest impressions. One impression is that the

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insurance industry has not wished to get into a public row with the automobile industry: a kind of class solidarity that forbids washing dirty corporate linen in public. A second impression is that the executives of the insurance industry are not innovative men, and do not have the iniative to undertake any serious efforts to change a system that is working well enough from their limited vantage point. (This seems true of the industry as a whole. The automobile is a 19th century machine that has not been much changed for at least a generation now. General Motors does not seem to be a place where a genuinely creative engineer would want to spend much time – certainly not in the age of the Moon Shot. Similarly, who goes into the insurance business? Part of the task of the management of public affairs in the modern world must be to take into account the fact that large segments of life will be in the hands of men of modest endowment.) A third possibility would be that, despite denials, the insurance industry does in fact profit from automobile insurance to an extent that is satisfactory to them. The issue is not clear, nor have the companies sought to make it so.

As with the harassment of the driver in the first era of traffic safety, it seems we are now entering a period of indicting the businessmen involved. The need to impose guilt in this field is obviously deep seated, and we may very well be over-correcting. The more important question is: why have the very large number of persons in business, industry, and the law who have made large profits out of automobiles been imprevious to the pleas to be rational about automobile safety? Has it got to do with the nature of corporate organization, or is it simply that our society is – as Reinhold Niebuhr suggests – easily corrupted in areas where individuals are asked to assume a personal relation to a collective responsibility? Or, alternatively, is this simply more evidence of the trivialization of American business: the fact that the central concerns of American society are no longer in the hands of free enterprise, and that free enterprise is no longer in the hands of men who expect to lead society.

Second, The Psychological Role of the Automobile.

It is surely clear that the largest reason we have not done anything to tame the automobile is that we have not much wanted to. That the automobile has a powerful symbolic, emotional role in American life is a proposition few would doubt. It is a central symbol of potency and power: the equivalent of the sword, or the horse, or the spear of earlier ages. It is both a symbol of agression, and a vehicle thereof. It is a sanctioned form of violence. In American Society one can injure and kill another person with an automobile at virtually no risk of *physical* reprisal. It is also a prime agent of risk-taking in a society that still values risk-taking, but does not provide many outlets.

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Anatol Rapoport has suggested that the most careful approach to accident prevention may in the end lead us nowhere if it turns out that "accidents are manifestations . . . of global cultural factors – that is, of social analogues of destructive drives."

> For example, if we should find that in spite of clear determination of the marginal effectiveness of certain measures and the actual implementation of these measures with the resulting reduction of accident mortality and morbidity in one area, the *over-all* accident incidence of morbidity or mortality remains unaffected – i.e. if stopping up one would we only help to open another, as sometimes happens in superficial cures of conversion hysterias– then we will know that something more basic is wrong with us.

Whatever the truth of this kind of speculation, at the very least it can be said that the attitude of the public is ambivalent on the question of traffic safety. Too much attention to safety must necessarily call attention to the dangers of driving – and this is not agreeable. At the same time, the dangers of driving *are* agreeable, and *are* sought. By the almost total emphasis on the responsibility of drivers to drive safely, it becomes possible for the individual driver to assume he is safe when he wishes to be, and to have the satisfaction of taking risks when he desires that experience. In this context, the otherwise absurd business of counting the death toll over the holiday weekends assums a certain cultural consistency: it is rather like keeping score on Russian roulette – those who have successfully avoided disaster are pleased to be reminded of it, those who have not are beyond all reminding.

Third, The Failure of Government.

The power of the automobile industry and the ambivalence of the public have combined to prevent effective governmental action. We have opted for an arrangement which is, I suspect, not unusual in such circumstances: working at the problem in ways fairly certain not to succeed. One of the most effective ways in which a government does not do something is by assigning the task to the kinds of people who never get anything done.

Since the 1950's there has existed in Washington an organization known as the President's Committee for Traffic Safety, which uses the Presidential seal with abandon. I served as a departmental representative on the body for a year before learning that the executive director was neither chosen nor paid by the Federal government, but rather by the industry! This man presided over the expenditure of public funds allocated to the Department of Commerce, and generally disported himself as the head traffic safety man in government, although he was in fact a paid agent of the interests he ought at least to have been keeping an eye on. In 1963 I attended a meeting in the White House called by the Secretary to the Cabinet to consider

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whether the integrity of the Presidential seal was not being abused: it was, and it was so agreed; but what to do about it remained a puzzle.

Similarly, the public will has largely been paralyzed by the seeming incompatibility of safety driving and mass driving. In the course of the past half century we have designed our cities and generally arranged our lives so as to make the use of the automobile indispensable to most persons. This makes it politically impossible to withdraw the right to drive from anything but a small fraction of adults, and then for only short periods. Hence any strategy based upon punishment of the driver for inadequate performance must tend to fail. Even drinking drivers, who are unquestionably dangerous persons who are mainly responsible for their dangerous condition, will nonetheless by and large continue to drive: the social life of the American middle classes now primarily takes the form of getting into an automobile, and driving to a place where alcohol is consumed – a friend's home, a tavern, or whatever. This is too deep a social pattern to be broken. Hence, at the very least, massive ambiguity.

There is, however, another source of the failure of government: it is the striking absence of any of those conditions of self-generating reform which would enable government to take initiatives on its own – such conditions as money to carry out programs, social statistics and related data on which to base programs, and professional persons to devise them. To a surprising degree, none of these exist in the world of traffic safety.

The amount of money allocated to research in traffic safety has been miniscule. (The one exception – a major one – to this rule concerns highway construction. The nation has constructed a fabulously elaborate highway system designed with steadily improving safety features. In this instance, however, the interests of the industry and the public were harmonious with those of safety.) The automobile companies spend money designing their products so that they operate properly in traditional terms; but so far as is known, they do almost no research in crash injury prevention, nor do they seem to have done any work in the larger area of developing scientific data about the man-machine relationship in the highway complex. Recently a number of universities have begun to study the problem, but in general it is fair to estimate that at no one time over the past half century have there been as many as a dozen senior scientists working in this field.

It is not to be supposed that there has been a deliberate strategy on the part of the automobile industry behind all this, but the outcome could not have been more effective if there were. Because there has been so little money devoted to safety research, there are almost no facts. There being no facts, there is very little in the way of argu-

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ment. Amateur efforts to produce "crash proof" cars have by and large been more ludicrous than not.

Dividing miles by cadavers

Directly related to the absence of facts about safety design is the absence of facts about the whole subject. This is central. Despite the inundations of putative data about death rates and such like, there are in fact no standard national statistics about traffic safety. The United States government does not collect them.

The only moderately reliable statistic that exists is the number of persons killed. We have this information in consequence of the established practice of coroners of reporting the probable cause of death of bodies found on public highways. Combining death and taxes, the death-rate is obtained by a simple formula that derives total miles driven from gasoline taxes paid, and then divides miles by the number of cadavers. The results of this not very complex calculation is the death rate, a dependable but meaningless number, in the sense that it provides no guide to action of any sort – and, more seriously is probably misleading. (One would think the number of persons who actually die in motor vehicle accidents responds more to advances in medical practice than anything else.)

It is hardly a complicated matter to conceive what basic national data ought to be collected: rates for deaths, injuries, and accidents; geographical and temporal distribution of such; types of vehicles involved; types of driver failure; types of vehicle failure; types of drivers involved; types of roadway and environmental failures. That would be a beginning. Most of the data could be gathered by standard sampling techniques.

To repeat: *none* of this data now exists, save the death rate. (A few states also gather injury and accident rates.) Thus, so far as is known, the automobile manufacturers do not keep any systematic records of the injuries that occur to automobile occupants when they are thrown against the vehicle's interior in the course of the accident. There are, of course, millions of such events each year, and it may be said that it would be a rare layman whose self composure would survive fifteen minutes of color photographs of the results.

In 1963, testifying before the Subcommittee on Public Health and Safety of the House Committee on Interstate and Foreign Commerce, I dwelt at some length on this subject. In the course of my remarks I made the following statement:

> "In an effort to keep with the problem [of traffic safety] for little more than a generation agencies of local, State, and Federal Governments have been compiling statistics about accidents, injuries, and deaths with a diligence and industry seems to grow as the years go by.

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> "But that has been an almost wholly uncritical effort. As a result, it has been almost wholly useless. It is my impression, and it is the firm opinion of research workers for whom I have the greatest regard, that with perhaps one or two exceptions all the vast accumulation of data about automobile accidents over the past half century has contributed almost nothing to our understanding of the cause and prevention of accidents."

The hearing room in which I made this statement was filled with persons representing the major institutions concerned with traffic safety. I appeared, not as an interested amateur, but as a member of the subcabinet, supporting a bill to establish a National Accident Prevention Center which had been introduced by the chairman of the subcommittee. This was a serious level of government. Thus the reaction to the statement is a good illustration of the atmosphere that has pervaded this subject. There was no reaction. So far as I am aware, the statement never appeared in any of the myriad traffic safety publications. No one commented on it. No one attempted to refute it. No one attempted to do anything about it.

What is true of accident statistics is similarly true of accident investigations: there are none. Save for an aborted experiment at the Harvard Medical School, there has been no effort over the past half century to unravel the etiology of actual automobile accidents in the way that is routine for airplane accidents. The concept of "grounding" a particular model of vehicle that appears to have safety problems does not exist with respect to automobiles.

The state trooper

A final aspect of the failure of government, and the crucial one, has come from the fact that, despite its long history, the problem of traffic safety has never yet associated itself with a professional group that would apply to it standards of evidence, evaluation, and self-criticism that the solution of problems of this kind requires.

Government regulation of the automobile began as a form of tax collection, upon which a layer of law enforcement was superimposed. In time the automobile helped create a new institution of law enforcement: the State Police. Probably because they are characteristically not corrupt, very little attention has been paid to them. However, they have been the dominant institution in traffic law enforcement (and, by a feed-back process, probably to traffic law enactment as well) and little notice has been taken of what a very poor job they have made of it, despite their high standards of personal conduct.

The entire pattern of State Police management of the automobile complex is derived directly from the model of the prevention, detection, and punishment of – crime. From the cowboy hats to the six gun to the chase scene, the entire phenomenon is a paradigm of the

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imposition of Law on an unruly and rebellious population. This involves intense concentration on the guilt of individuals, as measured by conformance to statutes, and of the efficacy of punishment, either threatened or carried out, as a means of social regulation. There is not much evidence that this works. More to the point, the police have almost no tradition of controlled enquiry that would discover whether it works. Thus, in 1955 the Connecticut State Police began a crackdown on speeders that soon brought nationwide attention. In a curious way the efficacy of such an effort is somehow presumed. Yet by any measurable standards the Connecticut program has been a distinct failure. Yet it is clear that the Connecticut State Police do not, in any meaningful sense, know this, and do not intend to find it out. Their response to the gentlest criticism is simply wholesome Hibernian apoplexy. (It happens there is a Bureau of Public Roads study which shows the rate of accidents decreases as speed increases between 35 and about 68 miles per hour. Most probably this is because both speed and accidents are functions of density. But it could be hoped that even the most dense Police Commissioner might wonder if there were not some relation between this study and results that seem to bear it out, even if on further reflection they might not.)

Similarly, there is no evidence that drivers who are arrested for speeding, or similar offenses, are in fact any different from other drivers, or that they act differently thereafter. Since more drivers, according to Bureau of Public Roads studies, exceed posted speed limits much of the time, it is likely that to be arrested for speeding is in the nature of a random event. Again it must be emphasized that such drivers may in fact be different – and worse, or whatever – but the management of traffic safety has largely been in the hands of institutions and groups that do not routinely ask such questions, much less tease out the answers.

The highway engineers, whose research I have cited, are the major and the most revealing exception. They are a profession; they have standards; they pursue them. When a bridge falls down, they try to find out why. When a new road is to be designed, they try to calculate how many cars will be using it and at what speeds, and design accordingly. By and large they have been predictably, sometimes brilliantly successful.

III

By the mid 1950's it was becoming evident that this over-all situation could not persist. A matter of considerable public interest was in the hands of incompetents or worse. *Some* protest was inevitable, and it arose, in a natural course of events, among a small group of professional persons – lawyers, doctors, engineers, and public officials. Articles began to appear. Intellectuals were doing their work.

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Up to this point the automobile industry had options. There were two courses open. The industry could recognize that the automobile system was working badly from the point of view of safety and could have sought to organize a mixed public and private effort to introduce rational and effective measures, including much greater attention to automobile design but by no means limited to that. This would have involved considerable shaking up of staffs, the disestablishment of flunky organizations such as the National Safety Council, and the creation of a federal automobile agency modelled on the F.A.A., which has presided over a highly creative relationship between the Federal government and the aviation industry. Alternately, they could go the route of the railroads in the 19th Century which also sought to brazen out a safety problem, and ended up with a particularly dreary form of Federal statutory regulation. *There was no third way.*

The sequence of events is important. The medical doctors were the first on the scene. The enormous medical problems created by accident trauma led in a quite natural way to the question of whether these could not somehow be reduced. The American Medical Association and the American College of Surgeons set up committees on the subject. By this point, techniques of crash-injury protection (padded dash boards, seat belts, etc.), had become quite sophisticated in aviation. The orderly instinct of the doctors was to transfer them to automobile design. In the 1950's the Public Health Service began making small grants with these possibilities in mind. Inevitably there arose a body of opinion, to which some information was attached, to the effect that the automobiles were not safe as they might be. *This was the crucial moment for the industry;* had they joined in this enquiry with a modicum of zeal, they would be a free enterprise to this day. Instead, they chose to resist.

Students of American business ought really to try to learn what decision-making processes went on at this point. The largest and most profitable industry in the world faced the relatively simple problem of responding to criticism couched in terms of the public interest; and it could not do so. The industry gave almost no sign that it was aware of criticism: it was not so much a matter of responding badly, as of not responding at all. Presumedly this has mostly to do with the nature of the organizations involved, and of the men who were running them. The physical isolation of Detroit is probably another significant factor. It is also true that the business schools and their various journals, which might have given some guidance, gave none (as far as I am aware). Some of these journals are notable for their interest in the Christian Responsibilities of the American Business Executive, but somehow the question of the responsibilities of the nation's largest industry for the safety of its products never came to

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mind. Nor, when others drew attention to the subject, did the business schools and journals comment.

In 1961, in a paper given at one of the very few meetings at which the manufacturers and their critics came together, I wrote: "It would not appear that the industry is particularly conscious of the fact, but the belief is well established among intellectually influential circles in the United States that the automotive manufacturers are essentially indifferent, and sometimes even opposed, to traffic safety measures. This is a scandalous position, but it is nonetheless held, and before long it will begin to damage the manufacturers more than they may imagine." There was no response to this conciliatory gesture, any more than to the defiant ones. The industry became more and more a caricature of an over-muscled, under-brained organism heading for disaster.

The trial lawyers intervene

Disaster came (or at least appears to be coming) from an unlooked-for source: the legal profession. Not from the Bar Association, or the Wall Street firms, or the great law schools, which are said to maintain a watching brief of sorts on such matters, but rather from the *declassé* claimants' attorneys, organized as the American Trail Lawyers Association. Out of a combination of self interest and genuine, hot indignation at the indifference of the manufacturers, this professional association decided the time had come to stop "Murder by Motor" by the direct and lethal process of suing the manufacturers in whose automobiles their clients are killed and injured in such wholesale numbers.

This process has begun, aided by judicial rulings concerning the nature of the automobile manufacturers' warranty. Just as importantly, the reactions of the industry to criticism have steadily eroded the presumptions of good faith and diligence on its part: juries are more and more disposed to find the manufacturers guilty. A certain political edge has also appeared. The ATA is known as the Democratic Bar Association; its members are instinctual Democrats, much as the ABA members are Republicans. At recent meetings of the Trial lawyers, elected and appointed officials have competed with one another in denouncing Detroit.

It may also be noted that the failure of the executive branch of the government has given an unusual opening to legislators, which by and large they have exploited. At the Federal level, for example, it has been men such as former Congressman Kenneth Roberts and Senator Abraham Ribicoff who have prodded the government departments into action. Somehow there were legislators who retained their freedom of action when all else was paralysis.

The industry has now announced that it will not only accept, but

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actually requests government regulation. This is a normal, predictable outcome. *For its own protection the industry has to get itself regulated by the Federal government.* What only a decade ago was unthinkable, has now become all but inevitable. The companies must get their products formally certified as safe in order to protect themselves from massive litigation. If everything continues to form, the next step will be for the industry to seek to dominate the government agency charged with regulating it, and so we begin another chapter of exposure leading to legislation imposing regulation that ends up more like collusion than anything else. This process has begun. The Federal government now specifies safety features that must be incorporated in vehicles it purchases. The Administration proposes to extend this technique to all vehicles sold in interstate commerce. Federal tire safety specifications are on their way. State regulations of this or that feature of vehicle design are starting up again (there was an earlier period when such items as windshield wipers were ordained) and may be expected to multiply. A federal law controlling automobile exhausts was signed in October, 1965, and Federal standards will take effect in the fall of 1967.

Because of the failure of leadership in the automobile industry, the issue is coming more and more to be defined as one of regulating the conduct of that one industry. But this would deal at best with only part of the problem. From the outset, the principle question of traffic safety has been: *what kind of problem is it?* It is not fundamentally a problem of law breaking or of profit making, although it involves both those things. The closest one can some to an adequate conception is reflected in the statement issued by John F. Kennedy during the presidential campaign of 1960: "Traffic accidents constitute one of the greatest, perhaps the greatest, of the nation's public health problems." I wrote the statement; I rather doubt the President ever saw it; certainly nothing much was done about it in his administration. But Senator Robert F. Kennedy, for one, clearly grasps the concept and frequently cites his brother's statement.

The point is that traffic accidents are part of the general phenomen of accidents, which have become the largest single cause of death between ages one and thirty five for most of the industrial nations of the world. Accidents have until this moment been thought of as somehow "wild" occurrences which do not conform to the sequential chain of causal events that define the way things in general occur. This happens not to be so. In a series of *aperçus* that began hardly two decades ago, a tiny number of American and British researchers, primarily medical men, have unravelled the etiology of the accident to show that it is, in fact, fundamentally similar to disease – "to the initiation of infectious and other insults to the body, which have long been the concern of preventative medicine." This began with the per-

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ception that accidents do in fact fit the classic public health pattern of host-agent-environment. Perhaps the most important refinement came with the conception that the agent – e.g. the bacillus – was not all the various instruments by which one can get knocked on the head, but rather the abnormal energy-exchange produced thereby. (In an instance of scientific serendipity, this occurred almost simultaneously to two men: William Haddon, Jr., and James J. Gibson working unawares within miles of one another in upstate New York.) As the forms of energy-exchange can for practical purposes be reduced to five categories: mechanical, thermal, electrical, ionizing, and chemical, the conception of accidents as disease suddenly emerges in a manageable form.

The issue, then, is whether the national commitment to the problem of traffic safety will occur at this level of understanding, or whether it will proceed in the honorable but outdated tradition of muckraking, exposure, legislation, and regulation by bureaucracy. Traffic safety is a problem for scientists, including social scientists. The object should be not merely to produce adequately designed vehicles, but to produce a traffic system that is as efficient as can be attained given competing values, and which as much as possible will put an end to the present idiocies of armed police arresting and often imprisoning hordes of citizens who are then hauled before courts incompetent to judge a problem that in any event is almost impossible to define in legal terms. Federal concern with automobile transportation, *properly conceived*, could in the end produce less bureaucracy, less harassment, less regulation, less intimidation, insult, and coercion. That should be the national object, rather than simply the punishment of motor magnates. The Highway Safety Act of 1966, which President Johnson has sent to Congress, having announced it in his State of the Union Message, has this potential; but not as it is now drawn, nor as it is likely to be administered.

The nation's largest industry is about to come under Federal regulation. The reaction of the automobile industry has been to try to discredit the character of one of its most responsible critics. The nation's largest, or near to largest, public health problem is about to receive massive research support. The reaction of the Bureau of the Budget (or whoever made the decision) is to give the management of the problem to the Commerce Department, which presided over the development of the present crisis. The professors of business administration are silent. The regulatory economists are elsewhere engaged. The press is mostly interested in the humbling of General Motors.

Somewhere in all this there must be persons who will try to sort out the public interest. In the meantime, the failure of the business and government bureaucracies is a fact to be noted with little pleasure.

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The war on cities

JAMES Q. WILSON

President Johnson's special message to Congress on improving the nation's cities was a notable document, both for what it said and what it did not. It was, in many respects, the sanest and most thoughtful presidential statement on "the urban problem" ever issued. It avoided most of those rhetorical absurdities which link the future of Western civilization with the maintenance of the downtown business district; it stressed the primacy of human and social problems over purely physical ones; and it conceded with great candor the dilemmas, contradictions, and inadequacies of past and present federal programs. (Indeed, the first third of the message could easily have been written by any one of several critics of federal urban renewal and public housing programs.) Many of the proposals made by the President were entirely in keeping with a concern for the problems of disadvantaged people living in cities. Thus, legislation to bar racial discrimination in the sale or rental of housing, and appropriations to implement the rent supplement program (whereby through direct subsidy the poor are given a better chance to acquire decent housing on the private market) were requested.

The major new proposal – for a "Demonstration Cities Program" – is harder to evaluate, in part because it is not clear what is to be demonstrated or what relationship it will have to existing urban re-

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newal and public housing programs, and in part because, no matter what is intended at the federal level, the real decisions will probably be made locally and toward a dozen different goals.

As reasonable and humane as were this message and the subsequent Demonstration Cities Bill submitted to Congress, they both leave unanswered some fundamental questions. While it is refreshing to hear a President admit that present policies have produced some "urban dilemmas," listing the dilemmas is no substitute for resolving them. In fact, far from being resolved, these dilemmas are accentuated by having added to them those of a new program, devised in part by academic critics of the urban renewal program, which will, on a "demonstration" basis, try to add to the supply of low and moderate cost housing (while the urban renewal program continues reducing that supply) and to serve "poor and disadvantaged people" (while existing programs presumably go on serving other people). No cohesive policy is suggested, only the co-ordination at the local level of existing policies. This will not be easy, since the programs to be co-ordinated are run by separate bureaucracies with different and often competing sources of political support at the federal as well as local level.

Indeed, one suspects that the real meaning of the demonstration cities program is that, far from being "co-ordinated" with other programs, it is to be a direct challenge to them – an effort to create a new slum policy that will, in at least a few cities, put social goals ahead of physical ones, and thus put a new urban political coalition (the poor, the intellectuals, and bureaucrats now struggling for power) into opposition with the old coalition (downtown businessmen, mayors, and bureaucrats already in power). The skepticism of representatives of the old slum-clearance coalition toward the new program suggests that such suspicions are well-founded, but the vagueness and even mystery surrounding what is actually intended by the new program indicates that no one can be sure. The Demonstration Cities Bill speaks of "guidelines," and "findings," and "authority," but nowhere does it say *what* will be done. Thus, whatever Congress decides, it seems clear that the real policies will be determined by the administrators, and they are now silent as to their intentions. If the present Congressional situation is any clue, the administrators' silence may suggest that they believe it too risky to reveal in detail their intentions. But if past experience is any guide, that silence probably also means that they haven't figured out what their intentions are.

I

The fundamental problem afflicting federal policy in this area – the problem which this message and bill suggest but do not face – is that *we do not know what we are trying to accomplish.* We have

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neither concrete goals nor clear priorities; as a result, not only are federal programs productive of dilemmas, the dilemmas are each year becoming more expensive and more obvious. Do we seek to raise standards of living, maximize housing choices, revitalize the commercial centers of our cities, end suburban sprawl, eliminate discrimination, reduce traffic congestion, improve the quality of urban design, check crime and delinquency, strengthen the effectiveness of local planning, increase citizen participation in local government? All these objectives sound attractive – in part, because they are rather vague – but unfortunately they are in many cases incompatible.

Improving urban design is made harder by efforts to find housing for the poor, for well-designed housing almost always costs more than the poor can afford. A "revitalized" downtown business district not only implies, *it requires* traffic congestion – an "uncongested" Broadway or State Street would be no Broadway or State Street at all. Effective local planning requires *less,* not more, citizen participation – the more views represented, the less the possibility of agreement on any single (especially any single comprehensive) view. Maximum housing choices, unconstrained by discriminatory practices, and reinforced by higher incomes, will give more people the opportunity to join the movement to the suburbs.

American political life has a proven and oft-remarked genius for surviving and even prospering on dilemmas and contradictions. Government maintains the support of potentially hostile groups by letting different federal agencies serve incompatible goals and by encouraging local communities to follow competing policies at federal expense. The new Department of Housing and Urban Development (HUD) stands squarely in this tradition. Under its previous name (the Housing and Home Finance Agency) it subsidized the flight to the suburbs with FHA mortgage insurance, while trying to lure suburbanites back to the central city with subsidies provided by the Urban Renewal Administration. The Public Housing Administration built low-rent units for the poor while urban renewal was tearing them down. Furthermore, the goals for most programs – especially urban renewal – were determined at the local level. This meant that urban renewal, in itself simply a tool, was used for very different purposes in different cities – in some places to get Negroes out of white neighborhoods, in others to bring middle-class people closer to downtown department stores, in still other places to build dramatic civic monuments, and in a few places to rehabilitate declining neighborhoods and add to the supply of moderately priced housing. Throughout its life, HHFA could have the best of both worlds – in Washington, its leaders could make broad policy statements which were intended to satisfy whatever critics of the program the administration was most sensitive to; meanwhile, in the hundreds of communities where the actual purposes of our hous-

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ing programs were determined by the decisions of local governing bodies, many objectives which bore only the loosest relationship to federal policy statements were being pursued.

One can admire a system which so neatly accommodates the tensions of political reality without approving of all its consequences. And these consequences stem, in my view, from the fact that, in thinking about solutions to the "urban problem," we have committed ourselves to certain means before we have made a commitment to any goals. The means have been federally subsidized alterations in the housing stock and in certain other physical equipment (mass transportation, community facilities, and the like). The *a priori* commitment to these techniques has the result that alternative tactics to reach certain goals are not systematically considered, or are considered only as afterthoughts. Surely few would ever have disagreed that the two greatest causes of inadequate housing have been the fact that some people have not been able to afford good housing and that some have, because of race, been denied an opportunity to bid freely for such housing as exists. Yet it was not until last year that HHFA requested of Congress a program that would improve the purchasing power of poor families by direct income subsidies; and it was not until this year that legislation was proposed by the President to bar discrimination in the sale or rental of housing (an executive order by President Kennedy had previously barred discrimination in federally assisted housing, which is about one-fifth of the total).

In the meantime – and continuing right down to the present – local communities are allowed great latitude in deciding how federal funds will be spent on the bread-and-butter programs: urban renewal and public housing. If the Main Street merchants are in power, they can use renewal funds to tear down low-cost housing and put up luxury apartments near the department stores – in effect redistributing income from the poor to the well-to-do while reducing the stock of low-cost housing. If more generous souls are in power, the worst housing is torn down to make room for middle or lower-middle-income housing; the income transfer from poor to not-so-poor is much less, but it is still in the wrong direction. And if the mayor simply is seeking funds with which to run his city in the face of a declining tax base, he discovers that he must join with those who want one of these urban renewal programs because that is about the only way he can get large-scale federal money into his city. He discovers, in short, that he has to hurt his poorest and weakest citizens in order to provide for the general welfare; his only option is to try to do it as humanely as possible. Under any or all of these conditions, urban renewal may or may not produce attractive, well-designed new structures; that is a separate issue. The point is that for almost any legitimate community objective – improving the supply of housing,

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strengthening the tax base, etc. – urban renewal has in most cases proved to be an unwieldy and costly tool.

We have recently been making some improvements in that tool at the federal level and in communities which elect to use the improved version of urban renewal, the human costs are reduced and the incidence of those costs is made more equitable. Rehabilitation of existing structures reduces displacement (it does not eliminate it – you can drive out a low-income family as easily by raising its rent as by tearing down its apartment); below-the-market interest rates make it possible to bring the cost of new construction down to what "moderate" income families can afford (which is usually a lot more than poor families can afford); public housing can be better designed and built on scattered sites (though the cost of an apartment in many public housing projects is still more than what it would take to build a brand new suburban home for the family). No one can object to the sentiments and intentions represented by these changes. But now that a new department has come into being, perhaps it is time to ask whether a new approach to the "urban problem" is conceivable.

II

What, indeed, is the "urban problem"? The language of crisis with which this subject is normally discussed – "sick cities," "the urban crisis," "spreading blight" – is singularly unilluminating. I doubt that most residents of most American cities would recognize in such terms a fair description of the conditions in their communities. Since such words are usually uttered or printed in Washington, D.C., or New York City, perhaps the most we can infer is that life is tough in these two places – though the staggering expense the authors of such words are willing to incur in order to live in the very center of these cities suggests that the "crisis" is at least bearable.

Viewed in historical perspective, and taking American cities as a whole, the conditions of urban life have, by most measures, been getting steadily better, not worse. Nationally, the proportion of families under the poverty line – for purposes of argument, let us take that as a family income of $3,000 a year in constant dollars – declined from 31 percent to 19 percent between 1950 and 1963, and the decline was the greatest in the cities (in the rural areas of our country, by contrast, about *half* the families still live at or near the poverty line). Since the Second World War, there has been a more or less steady decline in the proportion of housing units that are substandard; this improvement has been greatest in the cities, least in the rural areas. (In 1960, less than 3 percent of the dwelling units in cities of 50,000 population and over were dilapidated by Census Bureau standards.) The "flight to the suburbs" has made most people better off – the middle-income family finds the peace and privacy of a sub-

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urban home, the lower-income family takes over the larger, sounder structures vacated in the central city. The proportion of young people who drop out of school before getting a high school diploma has been declining steadily, both absolutely and relatively, for about the last twenty years. Certain forms of violent crime – murder and forcible rape – have declined in rate for the last several decades, though other forms of crime (assault, theft) may have increased (no one knows for certain, because crime statistics are neither completely reliable nor standardized for the changing age composition of the population).

American cities have fully participated in the prosperity of the country – indeed, they have participated more than the rural areas; and this no doubt accounts for the fact that, whatever problems the cities have, people are moving to the cities in very large numbers. But it would be a mistake to try to be unreservedly optimistic about these aggregate trends. Certain classes of people within cities continue to confront problems, and these problems vary with the size and kind of the city in question. Three of these problems are especially noteworthy.

High expectations

First, there is what might be called the "psychological urban problem"—i.e., our expectations are increasing faster than our achievements. As more affluent suburbs spring up, with neat lawns and good schools, the apparent gap between the quality of life in the central city and at the periphery increases. The suburbanites, adjusting rapidly to residential comfort, become more discontented with the conditions that surround the places where they work in the central city, even though these conditions are also (on the average) improving. Those city dwellers who cannot, for reasons of income or race, move to the suburbs, grow increasingly envious of those who can; the prizes of worldly success are held up before their eyes but out of their reach.

Because whites are gaining, in income and housing, faster than Negroes (though they are gaining also), the gap between the two groups is widening. (The full-employment economy of World War II narrowed the gap because of the need to fill manpower shortages; the under-employment prosperity of the 'fifties widened the gap; a continued Vietnamese war and the re-emergence of labor shortages may once again reduce the gap.) Moreover, within the Negro community itself, greater progress is being made in schooling than in income. The fact of Negro life is that a high school diploma is worth less to a Negro than to a white person, and the disparity is most obvious precisely where educational progress has been the greatest – in the cities.

In addition, the central city has remained the place where important members of the commercial and intellectual elite live. This is the group which, more than any other, sets the tone and provides the

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rhetoric of public discussion on "urban problems." By habit and tradition, it prizes the cultural amenities of the large central city and it tends to resent the spread of lower-class people into areas where these cultural and commercial institutions are established – even though that spread has been caused by the very increases in freedom and prosperity which the elite itself values. In the resulting distress, we see the conflict between the two major functions of the central city – on the one hand, the maintenance of a highly urbane style of life and of a concentrated and diverse market for the exchange of wealth and ideas; on the other hand, the provision of a place in which the lower classes, especially the immigrant lower classes, are housed, employed, educated, and by slow degrees assimilated to the standards of civility of American society. It is no longer possible to keep these two functions geographically separate within the central city, because it is no longer possible to confine the lower classes to high-density ghettoes – they have moved out into low-density ghettoes, thereby consuming much more land area than before, including land around or near the city's universities, hospitals, museums, and theaters.

The psychological urban problem cannot be solved, it can only be coped with. Indeed, it has been caused precisely because so many other problems *have* been coped with, if not solved. Efforts to lessen the gap between expectations and achievements will, in the short run, only make the discontent produced by that gap more acute. That is one of the inevitable tensions in a society committed to self-improvement.

Technical problems, political solutions

The second kind of urban problem might be called the "technical" problem. By this I mean both that the problems are created because people are living in highly interdependent, dense settlements in an industrial society and that the solutions to these problems are technically feasible. If the problems are not solved, it is not for lack of knowledge. It might be more meaningful, indeed, to call them "political" problems, inasmuch as the obstacles to their solution are largely political.

These problems result partly from the fact that we are constantly getting in each other's way or otherwise committing various nuisances. We pollute the air with soft coal soot and with hydrocarbons from automobile exhausts; we pollute rivers and lakes with industrial and residential sewage; we congest city streets with cars, and sidewalks with pedestrians. The problems are also in part the result of consuming natural resources – e.g., open space and park land – and of making future generations bear the cost of this consumption. (Or to say the same thing in other words: we spend less on urban – and suburban – beauty than would be spent if everyone who will at some

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time enjoy that beauty were here now to vote on the matter.) Finally, the "technical" problem is also the result of an imbalance between the costs and benefits of various essential local services – education, police protection, welfare, and the like. Everyone would agree that supplying such services is a common responsibility which one should not be able to escape simply by moving away from the place where such facilities are maintained. Yet this is exactly what many of us do when we leave the central city for the suburbs. If the central city is to continue to perform its traditional function of housing, employing, educating, policing, and supporting the poor and the disadvantaged (and the only alternative is to spread the poor and the disadvantaged throughout the suburbs), then it must be able to tap the taxable wealth of all of us.

What all these problems – nuisances, scarce collective resources, fiscal imbalance – have in common is that they result from a situation in which the costs and benefits of urban life are imperfectly related. People who get the benefits of consuming attractive land, driving cars on city streets, or cheaply disposing of waste products and junked cars, do not pay their fair share of the costs of vital central city services. Similarly, people who inhale the foul air, gaze at the ruined landscape or the junked cars, or put up with the traffic congestion, have no way of being reimbursed for having these annoyances inflicted on them.

There is no reason in principle why these problems cannot be solved or significantly alleviated. We know, or can discover, techniques for stopping pollution; the crucial task is devising an appropriate combination of legal sanctions, tax policies, and incentives that will make these techniques effective. Open space and other unique natural resources can be conserved by public purchase, by easements, and by tax policies. Those persons who are determined to produce ugliness in parts of the city where ugliness is out of place (and this is not everywhere; every city, like every home, ought to have some place – the equivalent of Fibber McGee's closet – where we can store necessary ugliness) can be restrained by fines, taxes, and laws from carrying on those activities, or can be induced by subsidies to hide the ugliness by appropriate devices. There is nothing very difficult about hiding or getting rid of junked automobiles – provided that the people who are pleased by the absence of junk are willing to share the necessary cost of achieving the result. Even the design of private buildings can be improved by rewarding builders who leave open spaces around their buildings and who hire good architects and artists. The fiscal imbalance between public needs and public resources in the central city can be corrected by using a combination of transfer payments and user charges to insure that the suburbanite who uses the central city pays his fair share of the cost of that use

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and that everyone, regardless of whether he uses the facilities, pays his fair share of the cost of supplying essential common services such as education, police protection, and the like.

Traffic congestion is a somewhat more complicated matter, for it is not obvious in what precise sense it constitutes a problem. Congestion arises because many people want to use limited space; in a sense, as Martin Meyerson and Edward Banfield point out *(Boston: The Job Ahead),* congestion is a means by which we ration access to a scarce resource (i.e., a desirable central city location) just as the price system is a way we ration the enjoyment of most other commodities (e.g., Cadillacs). The only way congestion could be eliminated entirely is to reduce the attractiveness of a given location to the point that no one will want to go to any one place any more than he will want to go to any other. Clearly this is both impossible and undesirable – central locations are central precisely because there are certain things people want to do in the company of large numbers of other people, or because large numbers of customers or workers are necessary to carry on various activities.

But congestion can be reduced if we provide other ways of rationing access besides traffic jams. One way – politically risky, but nonetheless likely to grow in favor – is to assess a charge on automobiles driven into central city locations, the amount of such a charge either to be based on the full cost of accommodating the car (parking space, police and fire protection, road use), in which case it is simply a user charge, or to reflect some penalty cost selected to deter the use of cars rather than merely to finance their accommodation.

The other strategy to deal with congestion is, of course, to subsidize mass transit facilities. The enthusiasm with which this proposal has been embraced by most public spokesmen suggests that their advocacy is based as much on an emotional dislike for automobiles (especially those parts made of chromium) as it is on a sober assessment of the comparative costs and benefits of various transportation programs. There are no doubt communities where the development of this kind of mass transit makes sense, either because of the population densities involved, or the investment already sunk in train tracks and equipment, or both. It is also perfectly clear, as John Meyer, John Kain, and Martin Wohl point out in their comprehensive study, *The Urban Transportation Problem,* that the vast majority of American cities could not possibly support a rail-based system without staggering subsidies. In fact, most communities would be better served by a mixed transportation plan that relied on a combination of user charges on automobiles entering the central city, high-speed bus service in reserved lanes on existing roadways, and various mechanical devices to regulate the flow of cars on and off expressways. The prosperity that produced the massive shift away from the train and bus

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and to the private car cannot be reversed by public policy; its effects, however, can be regulated.

The Negroes in the city

The third sense in which there is an urban problem is the most important. It results from the fact that the large central cities are where the immigrant lower classes congregate.

Today, with Negroes constituting the most important part of the urban lower class, the challenge to the central city is greater than ever before, because the Negroes create a unique set of problems. Unlike most previous migrants, they are marked by color. Furthermore, the Negro came originally from a slave culture in which he had no opportunity to acquire a complete range of political, economic, and social skills, and in which his family was subjected to systematic disruption and abuse. Unlike other immigrants – even other colored immigrants, such as the Chinese and Japanese – the Negro began his migration to the central city lacking the relevant skills and experience, and with a weakened family structure. Urbanization, of course, places further strains on community and family ties. The result is a central-city population with little money, few skills, a weakened capacity to cope with large bureaucratic institutions, and high rates of social disorder – crime, broken homes, alcoholism, narcotics addiction, illegitimacy, delinquency, and unemployment.

The argument over the details of the Moynihan Report on the Negro family has to some extent obscured its most important implication, which I cannot believe anyone will reject: if all Negroes were turned white tomorrow, they would still have serious problems. Whether these problems are more the result of a weak family structure, or of the impact of urbanization, or of the past history of discrimination, or of a depressed economic position, is very hard to say. But I suspect that whatever the cause, there are few aspects of this problem which will not be cured – or will not cure themselves – in time.

In time. In how much time? And what does one do in the meantime? I incline to the view that in the long run the acculturational problem of the Negro – i.e., the problem of being unable, as an individual or a family, and as compared with previous migrants to the cities, to cope with the fact of poverty – will be reduced by improvements in income and education; habits will change as class changes, though more slowly. Perhaps I say this because it is easier to think of changing class position than cultural values, though altering the former is hard enough. Perhaps I say it because of the great and obvious differences between middle-class and lower-class Negroes, differences much greater than those between middle-class and lower-class whites. And perhaps I am wrong.

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But whatever the strategic factor is, we cannot as yet say we have discovered it. The best that can be said in our favor is that we are perhaps the only free society which has ever tried to change a large racial minority by massively upgrading its condition. The debate about what the goal of "equality" means – whether a random distribution of Negroes throughout the city and the social structure, or a distinctive Negro enclave with guaranteed rights of entry and departure, or some combination of the two – is less interesting to me than the fact that, wherever we want to go, we don't know how to get there. And for the present, the urban Negro is, in a fundamental sense, *the* "urban problem."

If there were no Negroes in our large cities, or if the only difference between Negroes and whites were the accident of skin color, the rate of serious crime in our cities would immediately be cut by about a third. The welfare rolls would be cut by a like amount. The population of our state prisons would be cut by more than one-fourth. No one can be sure how many fewer narcotics addicts or alcoholics there would be, but no one could argue the reduction would be negligible. The number of "dilapidated" homes would be further reduced by about 30 percent.

What we don't know

If solutions to the technical problems facing our cities are impeded because our motivation does not yet equal our knowledge, then solutions to our fundamental problems are impeded because our understanding does not yet match our motivation. A dramatic crisis – an epidemic of deaths resulting from smog, for example – will quickly produce the motivation necessary to move swiftly on many of the technical problems. But we have already had our crises with respect to the fundamental problems – Watts, for example – and the result has only been a frantic and futile search for "answers." There is no ready-made knowledge stored up in our universities or foundations on how to prevent a Watts, or even on what causes a Watts. The malaise of lower-class life in the central cities has been a matter of scholarly concern for several decades, but there is not much scholarly wisdom to show for it, except a general – and probably sound – belief that higher incomes, more education, and less discrimination are desirable things. For thirty years, various experiments have been conducted in an effort to reduce juvenile delinquency; although we have occasionally been successful in eliminating gang warfare (primarily by disarming and policing the gangs), no one has been able to reduce the apparent rates of the most common form of delinquency, theft. We know that the rates of certain "private" crimes – murder, for example – cannot be changed no matter what tactics the police may use. We suspect that certain "street" crimes (auto

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theft, or purse snatching) can be reduced by "saturation" police patrol, but no one knows whether what occurs is actually a reduction or simply a displacement of the crime to other parts of the city – or, if a reduction, whether it can be made permanent. No one is yet precisely certain what effect segregated schools have on Negro children, or how much of the slower rates of learning of these children is the result of family background (which is very hard to change) or of the school experience (which is somewhat easier to change). We do not even know how much narcotics addiction there is, much less what to do about it on any large scale. Above all, we do not know how much urban pathology is in some sense inevitable and how much space, therefore, our central cities must expect to reserve for the derelicts, the alienated, and the unaspiring poor.

One would suppose that we know most about one prerequisite for progress among the lower classes – employment opportunities. Yet, although the debate between the proponents of achieving full employment by stimulating aggregate demand and those who insist that we need structural change (job retraining, family allowances, vocational education, public works) has been raging for a decade or more, neither side has convinced the other. More importantly, *neither* strategy has been seriously tried. Until the war in Vietnam required a greater use of our industrial capacity, the federal government did not attempt as vigorously as it might, through tax and fiscal policies, to create a full employment economy – in part from fear of inflation, in part from a concern over the international balance of payments. Nor have the structuralists tried a program of public works, guaranteed incomes, worker resettlement, and vocational education on a scale sufficient to test the feasibility of eliminating the so-called "pockets of poverty." The war on poverty contains some of the elements of a "structuralist" strategy – for example, the Job Corps as a way of developing skills and motivation, and Project Head Start as a long-term attack on rates of learning – but it will be some time before we know how successful they are and to what extent such methods can be generalized.

III

Federal policies have moved only by halting steps in a direction that acknowledges that the "urban problem" is not primarily, or even significantly, a housing problem. The rent supplement program is a recognition of the need to deal directly with the cause of slum housing – i.e., the fact that there are people who cannot afford non-slum housing. The call for legislation to bar discrimination in the housing market is a recognition of the need to reduce the inflated prices of Negro housing by giving Negroes access to the entire housing market. (Although the principle is sound, not much is likely to happen as a

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result of such a statute; open occupancy laws already on the books in many states and cities have not broken up the Negro enclaves, partly because housing outside such enclaves sometimes costs more than housing inside them.) But for the present, these and other modifications are largely frosting on a tasteless cake. The major thrust of federal policy is now, and always has been, a commitment to maintain and enhance the physical shells of existing American cities – adding, where appropriate, a few new towns to handle the overflow. The desire to make all American cities "livable" not only exaggerates the extent to which cities are now "unlivable," but it thoughtlessly lumps together all cities – whether or not they continue to serve any functions, whether or not there is any rational grounds for conserving them at public expense, and even whether or not the local leadership conceives of urban conservation as driving the poor across the city line into somebody else's city.

It was long argued that urban interests deserved a cabinet department, just as agricultural interests had one. It is a disturbing analogy. For thirty years the Department of Agriculture has, in effect, been committeed to the preservation of farms regardless of how inefficient or economically unsound they became. Now there are signs that pressure from mayors and downtown business interests may move the Department of Housing and Urban Development even farther toward a policy of guaranteeing the perpetual existence of the central business district of every American city, no matter how inefficient or economically unsound they may become.

There is nothing sacrosanct about the present patterns or functions of urban life; cities, like people, pass through life cycles during which their values and functions change. But the implicit commitment of our new Department to physical structures, rather than to concrete human needs, makes it almost impossible for it to distinguish between cities which need help and cities which do not; any city "needs" help if it says it does. The result is that while the rhetoric of the "urban crisis" is aimed at the great national and regional centers of commerce, culture, education, and government – Washington, New York, Philadelphia, Boston, Los Angeles – the reality of federal programs can be found in Barre, Vermont, and Wink, Texas. *Over half of all cities with urban renewal projects have populations of less than 25,000* (in this respect, HUD is more democratic than the Department of Agriculture; whereas the latter was of more help to the big than to the small farmer, the former is subsidizing the smaller as well as the larger cities.)

There is an alternative policy which could direct federal activities. It would require, not the scrapping of existing federal programs, but only their redirection. Such a policy would begin with a recognition of the different kinds of "urban problems" – some of which, like

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poverty, are as much rural as urban problems, and others of which, like the gap between expectations and achievements, are not problems that government can do anything about. Such a policy would, I suggest, contain the following elements:

First, the federal government would assume responsibility for placing a floor under the capacity of Americans to acquire a minimally satisfactory level of personal and family amenities – housing, food, clothing, medical care. Where possible, guaranteeing such resources to every family would be done by combining aggregate fiscal policies which produce full employment with direct income transfers – in the form, say, of a negative income tax, family allowances, or rent subsidies – such that each family has maximum free choice as to the type and location of its housing. Some conservatives will of course object that this is a "dole," productive of moral debilitation. I submit that, unless we are willing to tolerate privation, we of necessity must have some sort of dole; the real question is whether it will be one which minimizes choice and maximizes bureaucratic intervention in private lives (as is the case with public housing projects and many welfare programs) or one with the opposite characteristics. As far as moral debiliation is concerned, I have found no compelling psychological or theological evidence that the souls of the poor are in greater danger from government subsidies than are the souls of businessmen, intellectuals, and farmers, all of whom have been enjoying government largesse for some time.

I am under no illusion that the problems of the central-city poor, white and Negro, will vanish because we adopt an income maintenance strategy. All I am suggesting is that whatever else must be done to cope with poverty, there will be little progress unless the one indisputable component of poverty – low incomes – is dealt with by methods more effective and less debasing than those which require husbands to first desert their wives and children before these latter can apply for welfare.

Second, public power and public funds would be used to provide those common benefits (or, as the economists say, collective goods) which are enjoyed, and thus must be paid for, by everybody. Fresh air, pure water, open spaces, park land, and police protection are the most common examples of indivisible benefits, to achieve which public powers must be exercised. Ironically, it is in this area (where even in the days of Adam Smith it was agreed that public intervention was required) that federal action has been the slowest in developing. The reason, of course, is understandable enough; most collective goods require control over those aspects of community life – the education of the young, the policing of the city, and the use of land– which Americans have long insisted be kept in local hands. So long

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as most of us lived and worked in the same place – i.e., the central city – purely local control of these matters may have made sense. What services we used as we travelled to and from work we also paid for through taxes. Upper-middle-class citizens with a strong interest in (and a healthy capacity to pay for) common benefits, such as parks and the like, lived in – and often governed – the central city. With the exodus to the suburbs, and our self-segregation into radically different kinds of communities on the periphery, differences in preferences and income which used to co-exist within a single taxing authority now are separated by political boundaries. If the incidence of costs and benefits of various collective goods is to be equalized throughout the metropolitan area, some higher taxing authority must assume responsibility for transfer payments. There are only two such authorities – the state and the federal government.

Third, where possible, central cities facing a fiscal crisis ought to receive block grants from state or federal governments in order to help defray the cost of servicing the poor, providing decent education and police protection, etc. At the present time, cities must commit themselves to a whole range of federally conceived programs in order to get money they urgently need, even though many of these programs may be either irrelevant or harmful to the interests of parts of the city's population. Cities with an eroding tax base seize upon urban renewal as the only way to get federal support for that tax base, even though it is a clumsy and inefficient way – it requires destroying homes or businesses, allowing land to lie vacant for long periods of time, and pushing people who consume high levels of local services into neighboring cities where they cause the whole dreary cycle to be repeated. The already-enacted federal aid to education program is a step in the right direction, though the amounts will surely have to be increased. Even if one were to accept the dubious proposition that the cities could be rebuilt to retain or lure back the middle classes – a proposition that lies at the bottom of much of the urban renewal strategy – any but the most blind partisans ought to concede that what drives the middle classes out of the city in the first place may have much less to do with the physical condition of the buildings than with the quality of the public schools and the level of public safety. Subsidizing these institutions, rather than the rents the middle classes have to pay, strikes me as both fairer (since it will help the poor as well as the better off) and more likely to produce results.

Fourth, the federal government ought to encourage, through special incentives, cities to experiment with various user charges as a way of making certain that non-residents pay their fair share of the services they use in the cities where they work or shop, and that

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residents have a more precise and personal way than voting for or against the mayor to indicate how much of a particular local service they really desire for themselves. At the present time, large groups of people get something for nothing – non-residents who park on the city's streets, for example, or residents who, owning no taxable property, enthusiastically vote for more and more free public facilities. The whole burden is thrown on the property-tax payer, and he cannot sustain it.

Fifth, urban renewal and other land clearance programs can be used as a tool to aid in providing common benefits (by assembling land and financing good design for public buildings, schools, and the like) and as a way of eliminating hazardous or unsalvageable structures. If renewal is to do more than this, then to insure against the excesses of the past it ought to be hedged about with the most explicit restrictions. If decent low-cost housing is to be torn down for high-cost housing, then it should be done only when either a clear collective benefit (e.g., a new park) will result or when *surplus* low-cost housing can be removed. The latter would require a prior showing that the vacancy rate among low-cost housing units in that city or area is high enough to make possible the absorption of displaced families without serious economic loss, and that a close study of the social structure of the affected neighborhood reveals it to be primarily a place with high transiency rates where strong family life and neighborhood ties have not developed. And if a subsidy is conferred on the developer and his new upper-income tenants, then provision ought to be made to recapture that subsidy over time – perhaps by making the federal contribution a long-term loan rather than a grant (this was actually proposed when the original legislation was first debated in Congress) or by allowing the city to adopt special tax measures to recover the subsidy for itself.

IV

It is possible to conceive of a rational policy for dealing with so-called "urban" problems, once one begins to realize that the word "urban" is less relevant than the word "human." And perhaps this is implied in the Demonstration Cities Program proposed by the President this year, though the details are still sufficiently vague to make its real significance unclear. Leaving aside the obvious contradictions in the "guidelines" for determining whether a city is qualified to participate (for example, the incompatibility between maximum "coordination" achieved by a "single authority with adequate powers" and "widespread citizen participation" in the demonstration area or the conflict between maximum employment of indigenous workers and the development of labor-saving technologies), one make take the optimistic view that the Demonstration Cities Program is simply

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a fancy way of describing a new federal effort to impose federal standards on the local use of renewal money, so that renewal projects are more likely to serve legitimate national objectives rather than what ever purposes, good or bad, local leaders cook up. The demand for more local "co-ordination" and "planning" may be a tactic for creating an organized local constituency for HUD. A good case can be made for such intentions, but it is doubtful that a Congress sensitive to local interests and pressures is going to let HUD or anyone else get away with it entirely. And this, of course, should provide a good political reason for shifting federal efforts more in the direction of universalistic programs (maintaining the incomes of all poor, and subsidizing services – like education – that provide general benefits) and away from particularistic programs (tear down some buildings and subsidize others). So long as programs are designed to achieve particular effects in particular places, they will frequently be used by local groups to the disadvantage of the poor and powerless, or to produce effects that the federal taxpayer ought not have to pay for. And so long as HUD has no consistent federal policy, Congress will be able to insist that policies be set at the local level.

There is a bureaucratic as well as political reason for favoring universalistic programs – large bureaucracies are not very good at performing complex tasks requiring the exercise of a great deal of co-ordination over disparate activities, the accomplishments of which cannot be easily measured or evaluated. Direct income transfers, block grants to local governments, and increased reliance on individual choice are ways of reducing the impossible burdens on government agencies, most of which are (necessarily) staffed by men of average attainments. Making full allowance for the good intentions behind the Demonstration Cities Program, its central problem – apart from (though related to) the obscurity as to its goals and the mystery as to its means – is that it is an effort to improve on old programs, not by changing them or by substituting a wholly new strategy, but by creating a new apparatus to show how, by "co-ordination" (i.e., more administration), the job can be done better. But the failures of the past sixteen years have been precisely the failures of administration – of seeking inappropriate or incompatible goals, or of being unable to attain given goals, or of failing to take into account the consequences of working toward these goals. Overcoming the weaknesses of administration by providing more administration is likely to succeed only if extraordinary men do the administering. There are such men, but not many; simply hoping that enough of them wind up in HUD strikes me as, to say the least, imprudent.

For almost two decades we have been "attacking" the problems of the city – almost literally – by mounting successive assaults against various real and imagined difficulties. Each assault force has had its

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own leadership and ideology and the weaknesses of each have been the signal for a new assault, under different leadership and with a new ideology. First came public housing, then urban redevelopment, then urban renewal, and now the demonstration program. The old assaults of course never vanished, they just moved over a bit (not without complaints) to let the newcomers in. The common objective is to capture and hold central-city real estate; the differences in tactics concern the number of fronts on which the fighting is to proceed. In general, each successive assault has had broader objectives – the current President's message calls for a change in the "total environment." The motto is, "more is better." Perhaps it will all work out, if humane weapons are used and we evacuate the wounded. But I suspect that in the confusion the real enemies – poverty, ignorance, despair – may slip away, to live and strike again in another place.

CONTRIBUTORS TO THIS ISSUE

DANIEL P. MOYNIHAN, former Assistant Secretary of Labor, was Chairman of the New York State Traffic Safety Policy Committee in the administration of Governor Averell Harriman. . . . JAMES Q. WILSON is Associate Professor of Government at Harvard. His article "Corruption: The Shame of the States" appeared in our last number. . . . EARL RAAB lives in San Francisco where he is a member of the Mayor's Commission on Civil Rights and is consultant to the State Welfare Department. . . . GEORGE A. REICH is Professor of Law at Yale. A much longer version of Professor Reich's article appeared in the *Yale Law Journal*. It is reprinted by permission of the Yale Law Journal Company and Fred B. Rothman and Company from Volume 73, pp. 733-787. . . . MILTON FRIEDMAN is Professor of Economics at the University of Chicago and President of the American Economic Association. . . . WILLIAM A. GLASER is Project Director at Columbia University's Bureau of Applied Social Research. . . . NATHAN GLAZER is Professor of Sociology at the University of California at Berkeley. . . . DANIEL BELL was a member of the President's Commission on Automation, about which he writes a "Comment."

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What war and which poverty?

EARL RAAB

The most important thing to understand about the Administration's anti-poverty program is that it is not primarily directed against poverty. It is most certainly not anything like a "*war* on poverty." The failure to notice this has led to massive confusion, and in some cases has turned a supposed war against poverty into an actual civil war about poverty.

In common parlance, the anti-poverty program is understood to be that complex of measures which is built around the Economic Opportunity Act of 1964. The presentation to Congress made the target clear: that poverty which "is handed down from generation to generation in a cycle of inadequate education, inadequate homes, inadequate jobs and stunted ambitions."

It would appear then, from a crude reading, that the ostensible theory behind the anti-poverty program is this: even if the system creates the twenty or thirty million new jobs that are needed in the next decade – and even if these jobs are productive and pay decent wages – there will be large numbers of people unequipped by skill and education to fill these new-age jobs.

So far as it goes, this theory is clearly valid. Actually, about half the people who fall in the poverty-income bracket are unemployable. They are old, they are disabled, or they are husbandless wives taking care of children. But not all people who are old, disabled or breadwinnerless are poor. Only poor people who are old, disabled, or

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breadwinnerless are poor. That is to say, these are the people whose lives have been most marked by marginal employment: by histories of jobs that paid too little for not long enough. So there is substance to the proposition that poverty, in today's America, is largely the product of unemployment and marginal employment. And there is substance to the corollary that among the 50 percent of the poor who *are* employable, a lack of skill and education will make for permanent poverty.

Of course, the system could be adjusted to these people by such means as force-raising wage levels; stabilizing annual incomes even for those who work at low-skill jobs; creating, through public works, full employment at the low-skill level. But even if this remedy could be applied, it misses the point – or at least one of the points. A working assumption of American life is that, in the normal course of events, people will tend to rise or descend to their appropriate occupational levels, according to their individual capacities. It is always possible – in our affluent society at least – simply to put a floor under the incomes of those who, because of individual capacities (or incapacities) occupy the low stations in our economic life. But to do so for *employable* or *working people* (as against, say, the aged and infirm) is to pin a badge of inferior social status upon them. They are not likely to accept it placidly. And the American political credo – individualistic and egalitarian – would be affronted by such an approach to the problem of poverty. Hence the assumption of the anti-poverty program that the cycle of poverty needs to be broken, not simply because it keeps people poor, but because it keeps certain people at the bottom of the economic ladder without regard to their innate capacities. The ostensible aim of the Economic Opportunity Act is highly traditional: a more perfect equality of opportunity for the individual, regardless of race, creed, or previous condition of destitution.

From civil rights to "silver rights"

Now, as it happens, this aim of the anti-poverty program has been the traditional aim of the civil rights movement as well. For decades the civil rights slogans have been couched in terms of equality of opportunity in employment, housing, schools. The administration's anti-poverty program was, among other things, an accommodation to these demands. Its point is not so much the reduction of absolute poverty as it is the reduction of the relative poverty of racially and ethnically disadvantaged groups. This billion dollar program did not spring full-born out of a conscience roused by an evening's reading of Michael Harrington's book. It was part and parcel of the Negro revolution, of the direct action demonstrations and anarchic ghetto restlessness. After all, only 30 percent of the poor are Negro; and only 30 percent of the poor (not all Negro, by any

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means) live in urban slums. But it is the slum Negro who is the special target of the anti-poverty program.

So far, so clear – but only superficially. For, in fact, the civil rights movement has, in recent years, undergone a silent metamorphosis. It is now apparent even to the less sophisticated that the American Negro is not, at this late stage of the game, going to be satisfied with mere equality of opportunity. What he demands is something like an equality of achievement. Not formal equal opportunity for jobs, but good jobs, here and now; not non-discrimination in housing, but good housing. As one young Negro said, addressing himself to a congregation of liberals: "You keep talking about civil rights. What we want is *silver* rights."

So the Civil Rights Movement is turning into the Silver Rights Movement. Now the interesting fact about the anti-poverty program – the *most* interesting fact, which is given no official recognition at all – is that it has developed into a politically astute and discreet effort to cope with this metamorphosis. It cannot admit this openly without seeming to flout certain sacred American beliefs – so sacred that even the Negro militants are loath candidly to disavow them. Instead, it sails forth under the banner of "equality of opportunity" – and then proceeds to engage in a complicated series of manueuvers that astonish and consternate the literal-minded.

Indeed, the anti-poverty program is a kind of sociological surprise ball. Every few unwindings, some new thesis is exposed which changes the character of the whole package. But the package is so tricky that legislators, politicians, social workers, and various segments of the public tend to stop at the thesis which suits them best. This is why there are so many different versions of what the program is all about. Actually, there are about five stages of logical (or at least sociological) progression, five plateaus of understanding (or misunderstanding) in the anti-poverty program, which would very briefly read like this:

Stage one: Upgrading Skills and Education. In the total "poverty" population, as defined by income, about 5 percent of the breadwinners have white-collar backgrounds and skills, as against about 35 percent of the general population. Conversely, over 60 percent of this low-income population are unskilled. About 80 percent of the low-income population did not complete high school as against about 40 percent of the general population.

When these two conditions coincide – lack of skills and lack of education – we begin to define the constant pool of poverty. And this is the most obvious face of the anti-poverty program: upgrading employment skills and upgrading educational achievement – with special attention to the sub-cultural factors which inhibit such achieve-

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ment. Thus the program components of the typical anti-poverty program include special training, counseling, and placement services; there are also preschool facilities and remedial education for the so-called culturally deprived, and for those with special language problems.

Stage Two: Participation. But another condition – beyond low skill and low education – characterizes the constant pool of poverty – a condition sometimes called "low motivation." And here appears the second stage of the official war against poverty, as encapsulated in the now-famous phrase in the federal law: "maximum feasible participation of the poor." The thesis goes like this: "We've talked a lot about motivation – when all along we really knew that you don't motivate people by rhetoric – but by demonstration. Low motivation is another term for low expectations. But people's expectations are raised only when they are convinced that the rewards are actually obtainable. People who feel excluded are not motivated. But people who feel excluded will lose that feeling only when they are included *in fact.* Unless there is that kind of participation – functional participation – the educational and employment services referred to before will work disappointingly – if at all."

Stage Three: The Group Approach. But if there is to be any mass participation, that can be done most effectively by engaging the participation of groups and sub-communities as against individuals. If the groups become participant, then the individuals who identify with that group will feel participant, will feel in fact that they are being invited into society, no longer excluded.

The anti-poverty program thus emphasizes a group approach to the problem of poverty, rather than just an individual approach. And the "groups" to which it is addressed are not just the welfare recipients, or those who are already completely destitute – but those who are *potentially* destitute, who are caught in the general cycle of poverty even if they are not in trouble at the moment.

This seems to represent a significant turn in our operating social welfare philosophy. It is a theoretical move from secondary prevention – that is, the attempt to prevent individual recidivism – to primary prevention: the attempt to apply a remedy to the whole identifiable high-risk group, before they actually become dependent.

At this stage in the unwinding of the anti-poverty surprise ball, the heart of the program is apparently revealed as the emphasis on "target neighborhoods", and "neighborhood action". These approaches are built on sub-community participation; and the various welfare and upgrading services seem to be there primarily as a tool to implement this concept of group participation.

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Stage Four: The Groups Revealed. There is a certain unreal theoretical purity about these stages so far. Where are the sub-communities which are going to be the critical participants in this process? There is no generalized community of the poor. The fact of the matter is that, apart from a few special areas in the country, the only identifiable communities of the poor are in the racial and ethnic ghettoes.

These are the communities which notably have the nascent *sense* of community, the identifiable physical boundaries, the embryonic structure, which can most readily fit the specifications of the anti-poverty program. There was never any question about it. The early discussions of the program with city representatives, even before the Act was passed, indicated that the racial and ethnic communities would be chiefly involved. In discussing the problem of "reaching the poor", there were frequent references to the need to make contact with the NAACP, CORE, Mexican-American organizations, etc. And indeed, the "target neighborhoods" in the cities have turned out to be the racial and ethnic ghettoes, to nobody's surprise.

There is, of course, great justication for such a direction, even if it was slightly hidden in the package. All of the theoretical strands seem to blend smoothly at this point. The sub-community, preventive approach is conveniently served by the prior existence of these sub-communities. And, more cogently perhaps, the most constant pool of our poverty is made up of people from these disadvantaged racial and ethnic communities. The conditions of cyclical and generational poverty are most startling in evidence within these communities. In the metropolitan areas of the country about 36 per cent of non-white families live on a sub-marginal income of less than $3000, as against about 12 per cent of white families. But that figure does not yet begin to describe the differential. Among husband-and-wife families with children, about 5 per cent of the white families in the urban areas lives below this minimal poverty line as against 22 per cent of non-white families. The number of unskilled workers among Negro men is proportionately four times greater than among whites. Their educational achievement is substantially lower. And there is, of course, a higher quotient among these groups of the third condition which completes the classic trap of the ghetto: deliberate exclusion, and low expectations.

So it would make sense for the anti-poverty program to concentrate on reducing poverty in these most severe pools of deprivation.

Stage Five: Power! So, the community action program of the war against poverty is apparently revealed as a war against the poverty of the disadvantaged racial and ethnic communities – mainly through the technique of involving these communities in "participation" – which participation is an essential ingredient for the significant up-

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grading of skills and education – which upgrading will break the cycle of poverty.

A very neat theoretical circle – indeed, too neat for the life that we know. An entirely new pattern of meaning emerges with an examination of what is meant by "participation". Originally, there was a tendency to define participation in terms of hiring poor people to do many of the jobs that had to be done – aides and sub-professionals who would provide a bridge between the poverty populations and the programs. They would serve as living signals to the neighborhood people that they were now in fact being "invited into" the society.

But very swiftly, there came a shift in the definition of participation. The "neighborhood boards" became the focus of interest. And it was *the policy-making functions* of these neighborhood boards that became the important thing. Within the confines of the theory, the ability of the neighborhood boards to shape their own program under the Act – and related programs, too – was even stronger symbolic proof to the embattled community that they could get "in"; and the mass therapy could then run its course. *This* kind of participation was indeed a bold exercise in "self-help" – and was this not the key to the shift from dependency to independency, from welfareism to bootstrapism?

The note was: "We can't say on the one hand, 'Why don't these people help themselves,' and on the other hand, 'We don't trust these people to run their own affairs'." An unambiguous note, still within the context of the administration of programs funded under the Act.

But it did not take long for the definition of participation to shift again. It soon became apparent that it was not the administration and planning of these programs which was at the center of interest at all.

In one Western city, an enlightened Mayor set up the first steps for the implementation of the Community Action program with the iron-bound stipulation that neighborhood boards, composed of neighborhood people, were to have virtually complete control over the programs in the neighborhoods. In effect, they were to have the power to hire and fire their own personnel, and were to have absolute veto power over any program for their respective areas, as well as the responsibility for devising their own new programs. The neighborhood boards, once they formed themselves, were also to elect their own delegates to the overall Economic Opportunity Council for the community. However, as the plans developed, these delegates were to comprise only about one third of the governing body of that council.

Of course, the Mayor, being a Mayor, had in mind some maintenance of control over a body which was going to operate in his political domain. And this central body did have in its veto the theoretical power to stymie neighborhood programs, even if it did not have the power to impose anything or anybody on the neighborhoods.

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His rationale, however, had some substance: if there was to be a comprehensive effort to reduce poverty, the matter of jobs was crucially involved; if jobs were to be affected, and tax money used, the business and the labor communities and the general community would have to be involved more than routinely; they would not be so involved if they were not to some degree proportionately represented on the overall council.

But this reasoning had no appeal at all to those who were now emerging as the "anti-poverty militants". They demanded an automatic majority control over the city-wide council. And, after some backing and filling, the Mayor capitulated!

The main body of these militants then made their position clear: they were not interested in any kind of service program for some time to come: they were interested in using *all* of the available funds for the purpose of "organizing" the people in the neighborhoods. These people would be organized not just for the purpose of planning and administering their own welfare programs, but for the purpose of expressing and implementing their needs and desires in all arenas of public life.

The same basic process has taken place or is taking place in hundreds of other communities, in a variety of forms and paces. The pattern is clear: "Participation" as a principle of the anti-poverty program has emerged, not only or even primarily as a means of motivating people to upgrade themselves occupationally and educationally, but as a value in itself. And the value is Power, political power.

Power for whom?

Of course, it is possible to point out, properly enough, that power is not, after all, unrelated to the question of poverty. Poverty, in our common usage of the term, has three distinct connotations: no money, no hope, no power. What image, after all, is invoked when we use the term "poverty stricken"? Do we have an image of people who just happen to be broke? Someone once said that he didn't mind being broke as long as he wasn't poor. No, our image of the poverty-stricken – in this era, at least – is rather of people who are stuck with their poverty, hopelessly trapped by it. But more than that, our image of the poverty-stricken is of people who don't have much influence over their economic condition – or indeed over any other aspect of their lives. Deep poverty connotes power poverty. It might theoretically be suggested that the elimination of group powerlessness, *per se,* might be one way to break the cycle of group poverty; it might be the speediest way to raise group expectations and motivations, and actually to change some of the patterns of the ghetto.

But again, and finally, it is necessary to break with this web of abstraction. Some of the architects of the community action program

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may indeed have had this kind of abstract theory in mind, although the politicians who legislated it certainly did not. But the people who drew the concept of "participation" to its ultimate definition of political power were the local militants. And they were not generalized spokesmen for the poor: they were the Negro and Spanish-speaking activists left over from the civil rights movement. As a matter of fact, they tended to be the newer, younger, more militant, more chauvinistic wing of the old civil rights movement.

The theoretical concept of the gaining of political power for the poor became the practical tool for the gaining of political power for these "militant" representatives of the Negro and Spanish-speaking communities.

But what does "political power" mean in this context?

To some of the militants, it means revolutionary politics of a sort. Many of those who were quick to seize the moment could be vaguely identified with the spirit of the "new left"; they were firmly attached to an anti-establishment non-ideology. Others, angry, intoxicated, or just not to be left behind, gathered around them. Here was an unprecedented opportunity, and a kind of rebirth.

Several years before, with the success of direct action on the Southern front, with the civil rights movement in the North imperceptibly turning into the silver rights movement, with the traditional anti-discrimination measures having run their course, there was a savage period of direct action assaults on the job front in the North. These assaults did not finally produce anything like massive remedial results with respect to upgrading Negro employment. The direct action movement faltered, and its leaders were ever more frustrated and bitter about the impregnability of the "power structure." This had become their demonology.

But there was, by and large, no movement of people swelling behind them. It indeed became more difficult to mount the picket lines impressively. In effect, at this stage of the game in the North, and on this kind of issue, their appeal was apparently too abstract, too removed from the possibility of concrete results to attract the people "from the neighborhoods". Organization was thin, funds were low.

Now, *here* was a direct invitation from government to use funds from city hall to fight city hall. Not just organizing money, but leverage for power negotiation was being deliberately handed over to the powerless. The federal funds for various welfare programs are just fat enough so that no city's establishment wants to lose them. But by the terms of the Act, as it has come to be interpreted, no city's establishment was going to get these funds unless they were willing to negotiate with the hitherto powerless, on rather equal terms.

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At first the erstwhile civil rights activists couldn't quite believe it. They expected treachery. But every time they screamed "no participation," the federal government held up the funds. By the time the large city mayors discovered what was in the wind, and began screaming themselves, it was too late.

"Who represents the poor?"

The "No participation" flag was raised early and often. It was raised against whites and middle-class Negroes alike. The stern cry, "Who here represents the poor?" rang through the public chambers throughout the country. Nobody, it usually turned out, was the correct answer – because the operating definition was pretty rigorous. You had to be poor, a Negro or Spanish-speaking ghetto resident, of poor and ghettoic antecedents – and duly chosen by the other poor residents of your ghetto.

It was an impossible circular problem: how were the qualified representatives of the poor to be chosen by the organized poor until the poor were organized by their qualified and chosen representatives? Breaking the circle had of course always been a middle-class function, even to the organization of proletarian revolutions. It was to be no different in this case, but the main point was no different either: the middle-class people who insisted on organizing the poor were those who were ideologically anti-middle class.

"Who here represents the poor?" served to clear out the traditional Negro leadership, and then served as a focus of attack on the middle class generally, and on the Negro middle class particularly. Negro professionals quietly expressed their annoyance at this tack, and in one city, a group of Negro ministers, long active in the civil rights struggle, had this comment to make about the anti-poverty militants: "The wave of tension in our city is being deliberately inflamed by an unsavory element who are distributing the false philosophy that the religious leaders of the community represent a so-called middle class who are not close enough to facts of poverty in our city to give guidance in its relief."

The anti-poverty militants were themselves, of course, more middle class than not. They were for the most part broke but not poor. At least one meeting of anti-poverty militants was interrupted by a little old indigenous lady from the neighborhood who rose to demand: "Who here represents the poor?"

But with the help of the government, they won their initial objective more often than not. This objective was two-fold: one, *they* should run the program, and two, the program should turn to the people in the neighborhoods and be mainly involved in *organizing* them. There was no great interest in the various and ultimately scanty social welfare programs held forth by the anti-poverty Act.

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The upshot is that many of the anti-poverty militants, the former civil rights militants, are now professionally running these neighborhood programs as employees of the Economic Opportunity program. This is not to say that these people were motivated by thoughts of personal gain. On the contrary, they could doubtless have done better in the middle class occupations on which they turned their backs. And it is also very likely that, without their ideological biases and stringent tactics, the community action programs would have turned into a stale rehash of old welfare programs.

It is probable that they touched off something significant, but it is not likely that the significance will be quite what they had expected. For what their drive for revolutionary political power is turning into is a variant of old fashioned ward politics – and that term is not used here pejoratively.

The revolution that never happened

The "organizing drives" in the neighborhoods under the community action program so far have given no evidence that they have the potential for developing a mass movement, revolutionary or otherwise. The traditional failure in America to organize poor Negroes, or poor Spanish-speaking groups, or poor whites for that matter, was never for lack of organizing funds. Rank-and-file Negroes, for example, can be rallied on certain select issues that touch their lives immediately, e.g., abhorrent redevelopment programs that would uproot them, police brutality, blatant discrimination. But there is no evidence that they can be rallied around abstract and generalized hostilities towards the middle class or towards the American society. Sometimes their accumulated bitterness can explode, à la Harlem and Watts, but that is quite different from organizing them around ideological principles of dissent. The evidence is that such dissent is not really there. Recent opinion surveys indicate that the overwhelming body of American Negroes believe that things are getting better, that there is hope for their future, and that their main aspirations remain to join the great American middle class. This is not a revolutionary mass.

The now government-funded organizers of the poor are finding it slow going, consequently. In some cases, they are finding *ad hoc* issues that enable them to mount the appearance of an old-fashioned demonstration. A local Housing Authority was recently "sat-in" briefly by a number of "neighborhood people" under the organizational leadership of neighborhood EOC employees, to protest eviction practices. There was another demonstration, in which EOC employees were also involved, protesting employment policies in a public construction project. But these are just ghostly extensions of old civil

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rights activities, involving the same issues and pretty much the same people as before. There has been no general firing of the body politic of the poor on either general or concrete issues related to poverty. After much campaigning and publicity only 3 per cent of the Philadelphia poor, and 1 per cent of the Los Angeles poor – including Watts – voted in elections for poverty board members.

Furthermore, some of the new EOC organizers of the poor are becoming initiated into the necessities of official responsibility, including forms, charts, and the compromise which turneth away disaster. In short, they are becoming slightly establishment-oid.

In one neighborhood recently, the EOC organizers who were yesterday the leading anti-poverty militants, and the day before yesterday the leading civil rights militants, were themselves picketed as "$12,000 Finks" by a grass-roots neighborhood delegation. It was their first experience on that side of the signs. Some have suggested that the whole poverty program is but further evidence of Johnsonian brilliance, that it has been designed exactly to coopt the most militant of the young race-activists. But that's a Monday morning misconstruction. It is true that anti-poverty militancy appears to have drawn the teeth of a less ordered and controlled civil rights militancy in many communities around the country. But such teeth-drawing was the destiny of the aging civil rights struggle in the North in any case. The community action program is not a sell-out. It just is not going to become a revolution.

Then what it is going to become? There is the good possibility that while community action programs will not develop mass proletarian movements, they may develop traditional centers of political power in the Negro and Spanish-speaking neighborhoods. There will be *places* to which neighborhood people can go to register political complaints and aspirations. There will be *representatives* of the neighborhoods to whom city hall and the political parties will listen – and who is going to count the active constituents? There will be new, and newly-effective, bridges between the neighborhood people and the various "power structure." This will be a variant of ward politics which served earlier ethnic communities well.

It is even possible that this new political power, if it is developed, will actually spur the kind of economic job creation programs which are not contained in the anti-poverty program itself. But that will be done, if it ever is, not through the development of separate Negro or Spanish-speaking political movements of the poor. It will be done through the tieing-in of the new neighborhood political structures to the reigning community political organizations. Regular-line politicians are well aware of this possibility, and have already been operating behind the scenes.

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A peaceful and inexpensive pause

This is the sociological surprise package which is commonly titled the "anti-poverty program." No Machiavellian bureaucrat planned this package. It is what it is because of what happened to it on its way to the poor.

Obviously, this surprise package varies somewhat in structure and content in the different communities across the country, depending on size, stability, and history. But, nevertheless, the core meaning and ultimate fate of the anti-poverty programs are best revealed in those communities in which the program has already most fully unfolded, layer after layer.

It is not possible for any but the most innocent to linger long on the first level of meaning: the provision of an additional billion dollars worth of rehabilitative welfare services for a specific portion of the poor. We already were routinely spending well over ten billion dollars yearly for the same services to the same people, to humanitarian purpose but without any mass rehabilitative results.

The second and third levels begin to excite the less tired social workers: the reorganization of welfare services towards primary prevention and sub-community participation. It is certainly the case that the complacent paternalism of united community funds and social welfare departments is being somewhat shaken up. But this is an internal, almost professional ferment; it may well brighten the field of social welfare, it is not destined to shake the very foundations of poverty.

The logic of history and the structure of American society have invested the anti-poverty program with its central meaning and purpose: the pursuit of political power in the Negro and similarly disadvantaged communities. But also because of the logic of history and the structure of American society, the political results will surely be more traditional than revolutionary.

In sum, the anti-poverty program may yet provide a peaceful pause while the civil rights movements readjust themselves, and it could help create some new if limited arms of political pressure and patronage for some Negro and Spanish-speaking neighborhoods. None of these objectives of the anti-poverty campaign really has anything to do with a substantial reduction in poverty. But they could have their own values – and what do you want for a mere billion?

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The new property

CHARLES A. REICH

The institution called property guards the troubled boundary between individual man and the state. It is not the only guardian; many other institutions, laws, and practices serve as well. But in a society that chiefly values material well-being, the power to control a particular portion of that well-being is the very foundation of individuality.

One of the most important developments in the United States during the past decade has been the emergence of government as a revenue and power, and pours forth wealth: money, benefits, services, contracts, franchises, and licenses. Government has always had this function. But while in early times it was minor, today's distribution of tion. But while in early times it was minor, today's distribution of largess is on a vast, imperial scale.

The valuables dispensed by government take many forms, but they all share one characteristic. They are steadily taking the place of traditional forms of wealth – forms which are held as private property. Social insurance substitutes for savings; a government contract replaces a businessman's customers and goodwill. The wealth of more and more American's depends upon a relationship to government. Increasingly, Americans live on government largess – allocated by government on its own terms, and held by recipients subject to conditions which express "the public interest."

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The growth of government largess, accompanied by a distinctive system of law, is having profound consequences. It affects the underpinnings of individual independence. It influences the workings of the Bill of Rights. It has an impact on the power of private interests, in their relation to each other and to government. It is helping to create a new society.

I. The Largess of Government

A. THE FORMS OF GOVERNMENT-CREATED WEALTH

The valuables which derive from relationships to government are of many kinds. Some primarily concern individuals; others flow to businesses and organizations. Some are obvious forms of wealth, such as direct payments of money, while others, like licenses and franchises, are indirectly valuable.

Income and benefits. For a large number of people who hold no public jobs government is nevertheless a direct source of income. This is a result of the legal status of these people. Examples are Social Security benefits, unemployment compensation, aid to dependent children, veterans' benefits, and the whole scheme of state and local welfare. These represent a principal source of income to a substantial segment of the community. Total federal, state, and local social welfare expenditures now exceed seventy billion dollars annually.

Jobs. Approximately ten million persons receive income from public funds because they are directly employed by federal, state, or local government. The size of the publicly employed working force has increased steadily since the founding of the United States, and seems likely to keep on increasing. If the three to four million persons employed in defense industries, which exist mainly on government funds, are added to the ten million directly employed, it may be estimated that fifteen to twenty percent of the labor force receives its primary income from government.

Occupational licenses. Licenses are required before one may engage in many kinds of work, from practicing medicine to guiding hunters through the woods. Even occupations which require little education or training, like that of longshoremen, often are subject to strict licensing. Such licenses, which are dispensed by government, make it possible for their holders to receive what is ordinarily their chief source of income.

Franchises. A franchise, which may be held by an individual or by a company, is a partial monopoly created and handed out by government. Its value depends largely upon governmental power; by limiting the number of franchises, government can make them extremely remunerative. A New York City taxi medallion, which cost

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very little when originally obtained from the city before 1937, can now be sold for many thousands of dollars. The reason for this high price is that the city has not issued new transferable medallions despite the rise in population and traffic. A television channel, once given away, can now be sold for many millions. Government distributes wealth when it dispenses route permits to truckers, charters to bus lines, routes to air carriers, certificates to oil and gas pipelines, licenses to liquor stores, allotments to growers of cotton or wheat, and concessions in national parks.

Contracts. Many individuals and many more businesses enjoy public generosity in the form of government contracts. Fifty billion dollars annually flows from the federal government in the form of defense spending. These contracts often resemble subsidies; it may be virtually impossible to lose money on them. Businesses sometimes make the government their principal source of income, and many "free enterprises" are set up primarily to do business with the government.

Subsidies. Analogous to welfare payments for individuals who cannot manage independently in the economy are subsidies to business. Agriculture is subsidized to help it survive against better organized (and less competitive) sectors of the economy, and the shipping industry is given a dole because of its inability to compete with foreign lines. Local airlines are also on the dole. So are other major industries, notably housing. Still others, such as the railroads, are eagerly seeking help. Government also supports many non-business activities, in such areas as scientific research, health, and education. Total federal subsidies for 1966 were expected to be over seven billion dollars.

Use of public resources. A very large part of the American economy is publicly owned. Government owns or controls hundreds of millions of acres of public lands valuable for mining, grazing, lumbering, and recreation; sources of energy such as the hydroelectric power of all major rivers, the tidelands reservoirs of oil, and the infant giant of nuclear power; routes of travel and commerce such as the airways, highways, and rivers; the radio-television spectrum which is the avenue for all broadcasting; hoards of surplus crops and materials; public buildings and facilities; and much more. These resources are available for utilization by private businesses and individuals; such use is often equivalent to a subsidy.

Services. Like resources, government services are a source of wealth. Some of these are plainly of commercial value: postal service for periodicals, newspapers, advertisers, and mail-order houses; insurance for home builders and savings banks; technical information for agriculture. Other services dispensed by government include sew-

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age, sanitation, police and fire protection, and public transportation. The Communications Satellite represents an unusual type of subsidy through service: the turning over of government research and know-how to a quasi-private organization. The most important public service of all, education, is one of the greatest sources of value to the individual.

B. THE IMPORTANCE OF GOVERNMENT LARGESS

How important is governmentally dispensed wealth in relation to the total economic life of the nation? With personal income approximating five hundred billion dollars today, governmental expenditures on all levels amount to about two hundred billion. And these figures do not take account of the vast intangible wealth represented by licenses, franchises, services, and resources. Moreover, the *proportion* of governmental wealth is increasing. Hardly any citizen leads his life without at least partial dependence on wealth flowing through the giant government syphon.

In many cases, this dependence is not voluntary. Valuables that flow from government are often substitutes for, rather than supplements to, other forms of wealth. Social Security and other forms of public insurance and compensation are supported by taxes. This tax money is no longer available for individual savings or insurance. The taxpayer is a participant in public insurance by compulsion, and his ability to care for his own needs independently is correspondingly reduced. Similarly, there is no choice about using public transportation, public lands for recreation, public airport terminals, or public insurance on savings deposits. In these and countless other areas, government is the sole supplier. Moreover, the increasing dominance of scientific technology, so largely a product of government research and development, generates an even greater dependance on government.

Dependence creates a vicious circle of increased dependence. It is as hard for a business to give up government help as it is for an individual to live on a reduced income. And when one sector of the economy is subsidized, others are forced to seek comparable participation. This is true of geographical areas; government contracts can fundamentally influence the economy of a region. It is also true of different components of the economy. If one form of transportation is subsidized, other types of transportation may be compelled to seek subsidies. When some occupations are subsidized, others, which help to pay the bill, find themselves disadvantaged as a class. Thus, it is not strange to find musicians seeking a subsidy – perhaps to pay food bills that are made artificially high because of another subsidy. Nor is it strange to find that an unemployed worker replaced by a machine seeks government funds to retrain, when in many cases the machine was created through government subsidized research and develop-

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ment. And it is not surprising that subsidies may be needed to enable workers to live in our large cities; they must buy necessities at prices inflated to meet others' subsidized ability to pay.

The prospect is that government largess will necessarily assume ever greater importance as we move closer to a welfare state. Such a state, whatever its particular form, undertakes reponsibility for the well-being of those citizens who, because of circumstances beyond their control, cannot provide minimum care, education, housing, or subsistence for themselves. This responsibility can only be carried out by means of what we have defined as government largess.

C. LARGESS AND THE CHANGING FORMS OF WEALTH

The significance of government largess is increased by certain underlying changes in the forms of private wealth in the United States. Changes in the forms of wealth are not remarkable in themselves; the forms are constantly changing and differ in every culture. But today more and more of our wealth takes the form of rights or status rather than of tangible goods. An individual's profession or occupation is a prime example. To many others, job seniority with a particular employer is the principal form of wealth. For the jobless, their status as governmentally assisted or insured persons may be the main source of subsistence. The automobile dealer's chief wealth is his franchise from the manufacturer which gives him exclusive sales rights within a certain territory, for it is his guarantee of income. To the large manufacturer, contracts, business arrangements, and organization may be the most valuable assets.

The kind of wealth dispensed by government consist almost entirely of those forms which are in the ascendancy today. To the individual, these new forms, such as a profession, job, or right to receive income, are the basis of his various statuses in society, and may therefore be the most meaningful and distinctive wealth he possesses.

II. The Emerging System of Law

Wealth or value is created by culture and by society; it is culture that makes a diamond valuable and a pebble worthless. Property, on the other hand, is the creation of law. A man who has property has certain legal rights with respect to an item of wealth; property represents a relationship between wealth and its "owner." Government largess is plainly "wealth," but it is not necessarily "property."

Government largess has given rise to a distinctive system of law. This system can be viewed from at least three perspectives; the rights of holders or largess, the powers of government over largess, and the procedure by whoch holders' rights and governmental power are adjusted. At this point, analysis will not be aided by attempting to apply or to reject the label "property." What is important is to survey — without the use of labels — the unique legal system that is emerging.

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A. INDIVIDUAL RIGHTS IN LARGESS

As government largess has grown in importance, quite naturally there has been pressure for the protection of individual interests in it. The holder of a broadcast license or a motor carrier permit or a grazing permit for the public lands tends to consider this wealth his "own," and to seek legal protection against interference with his enjoyment of it. The development of individual interests has been substantial, but it has not come easily.

From the beginning, individual rights in largess have been greatly affected by several traditional legal concepts, each of which has had lasting significance:

Rights vs. privilege. The early law is marked by court attempts to determine which forms of largess were "rights" and which were "privileges." Legal protection of the former was by far the greater. If the holder of a license had a "right," he might be entitled to a hearing before the license could not be revoked; a mere "privilege" might be revoked without notice or hearing.

The gratuity principle. Government largess has often been considered a "gratuity" furnished by the state. Hence it is said that the state can withhold, grant, or revoke the largess at its pleasure. Under this theory, government is considered to be in somewhat the same position as a private giver.

The whole and the parts. Related to the gratuity theory is the idea that, since government may completely withhold a benefit, it may also grant it, subject to any terms or conditions whatever. This theory is essentially an exercise in logic: the whole power must include all its parts.

Internal management. Particularly in relation to its own contracts, government has been permitted extensive power on the theory that it should have control over its own housekeeping or internal management functions. Under this theory, government is treated like a private business. In its dealings with outsiders it is permitted much of the freedom to grant contracts and licenses that a private business would have.

The most common forms of protection of individual interests in government largess are procedural, coupled with an insistence that government action be based on standards that are not "arbitrary" or unauthorized. Development has varied mainly according to the particular type of wealth involved. The courts have most readily granted protection to those types which are intimately bound up with the individual's freedom to earn a living. They have been reluctant to grant individual rights in those types of largess which seem to be exercises of the managerial functions of government, such as subsidies and government contracts.

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Occupational licenses. After some intial hesitation, courts have generally held that an occupational or professional license may not be denied or revoked without affording the applicant notice and a hearing. Doctors, lawyers, real estate brokers, and taxi drivers may not be denied their livelihood without some minimum procedure. In addition to requiring notice and hearing, some courts may also review the evidence for sufficiency, to see if a basis for the official action exists in fact. The need for procedural protection for occupational licenses is sufficiently well accepted that hearings have been required on denial of security clearances when these are tantamount to occupational licenses.

Drivers' licenses. Licenses not specifically tied to a particular occupation, such as drivers' licenses, have to some extent been assimilated under the umbrella of occupational licenses. New York's highest court declared that a driver's license is "of tremendous value to the individual and may not be taken away except by due process."

Franchises. A franchise is less of a "natural right" than an occupational license, because it confers an exclusive or monopoly position established by government. But the courts early took the position that certain types of franchises were "property" protected by the Constitution. And even air route certificates which are clearly not like the old-time franchise, are given judicial protection.

Benefits. With somewhat greater reluctance, the courts have moved toward a measure of legal protection for benefits. The District of Columbia Court of Appeals rejected an argument that a Veterans' Administration decision (imposing a forfeiture of benefits because the veteran had rendered assistance to an enemy) is not reviewable by the courts. The same court also questioned whether Congress could authorize an administrator to revoke a veteran's disability pension without some standards to guide him. And the U. S. Supreme Court held that a state cannot deny unemployment benefits on grounds which interfere with freedom of religion. In California, the courts held that unemployment compensation may not be denied one who refuses a job because he feels unable to take a required loyalty oath.

Subsidies. A subsidy to a business is like a benefit to an individual, but the concept of "rights" in a subsidy is somewhat more attentuated. However, when the Postmaster General found the contents of Esquire Magazine to be objectionable, the Supreme Court made a strong stand for protection of the second class mail subsidy against arbitrary withdrawal.

Use of public resources. Although it is frequently stated that there are no property rights in public resources, the courts have af-

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forded a measure of protection. They have given the holder of a grazing permit the right to prevent interference by others. And the California Supreme Court has held that the use of a public school auditorium cannot be denied to a group because it refuses to sign a loyalty oath.

Contracts. Government contracts might seem the best possible example of a type of valuable which no one has any right to receive, and which represents only the government's managerial function. But even here, at least one court has said that "while they do not have a right to contract with the United States on their own terms, appellants do have a right not to be invalidly denied equal opportunity under applicable law to seek contracts on government projects." The District of Columbia Court of Appeals held that sellers of petroleum stated a valid cause of action when they charged that the government was insisting without authority that it would purchase oil only from companies agreeing to abide by its "Voluntary Oil Import Program."

In all of the cases concerning individual rights in largess the exact nature of the government action which precipitates the controversy makes a great difference. A controversy over government largess may arise from such diverse situations as denial of the right to apply, denial of an application, attaching of conditions to a grant, modification of a grant already made, suspension or revocation of a grant, or some other sanction. In general, courts tend to afford the greatest measure of protection in revocation or suspension cases. The theory seems to be that here some sort of rights have "vested" which may not be taken away without proper procedure. On the other hand, an applicant for largess is thought to have less at stake, and is therefore entitled to less protection. The mere fact that a particular form of largess is protected in one context does not mean that it will be protected in all others.

While individual interests in largess have developed along the lines of procedural protection and restraint upon arbitrary official action, substantive rights to possess and use largess have remained very limited. In the first place, largess does not "vest" in a recipient; it almost always remains revocable. For example, veterans' disability benefits are by statute made subject to forfeiture by "any person shown by evidence satisfactory to the Administrator to be guilty of mutiny, treason, sabotage, or rendering assistance to any enemy of the United States or of its allies." Forfeiture may take place because the public interest demands it, despite the absence of any fault in the holder. In a recent case the Civil Aeronautics Board took the position that "the public interest" would be furthered by cancelling the certificate of the most successful of four competing air carriers in order to help the others, which needed government subsidies.

When the public interest demands that the government take

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over "property," the Constitution requires that just compensation be paid to the owner. But when largess is revoked in the public interest, the holder ordinarily receives no compensation. For example, if a television station's license were revoked, not for bad behavior on the part of the operator, but in order to provide a channel in another locality, or to provide an outlet for educational television, the holder would not be compensated for its loss. This principle applies to largess of all types.

In addition to being revocable without compensation, most forms of largess are subject to considerable limitations on their use. Social Security cannot be sold or transferred. A television license can be transferred only with FCC permission. The possessor of a grazing permit has no right to change, improve, or destroy the landscape. And use of most largess is limited to specified purposes. Some welfare grants, for example, must be applied to support dependent children. On the other hand, holders of government wealth usually do have a power to exclude others, and to realize income.

The most significant limitation on use is more subtle. The holder of government largess is expected to some extent, to act as the agent of "the public interest" rather than solely as that of his own self-interest. The theory of broadcast licensing is that the channels belong to the public and should be used for the public's benefit, but that a variety of private operators are likely to perform this function more successfully than government; the holder of a radio or television license is therefore expected to broadcast in "the public interest." The opportunity for private profit is intended to serve as a lure to make private operators serve the public.

The "mix" of public and private, and the degree to which the possessor acts as the government's agent, varies from situation to situation. The government contractor is explicitly the agent of the government in what he does: in theory he could equally well be the manager of a government-owned factory. Only his right to profits and his control over how the job is done distinguish his private status. The taxi driver performs the public service of transportation (which the government might otherwise perform) subject to regulation but with more freedom than the contractor. The doctor serves the public with still greater freedom. The mother of a child entitled to public aid acts as the state's agent in supporting the child with the funds thus provided, but her freedom is even greater and the responsibility of her agency still less defined.

The result of all of this is a breaking down of distinctions between public and private and a resultant blurring or fusing of public and private. Many of the functions of government are performed by private persons; much private activity is carried on in a way that is no longer private.

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B. LARGESS AND THE POWER OF GOVERNMENT

Affirmative powers. When government – national, state, or local – hands out something of value, whether a relief check or a television license, government's power grows forthwith; it automatically gains such power as is necessary and proper to supervise its largess. It obtains new rights to investigate, to regulate, and to punish. This increase in power is furthered by an easy and wide-ranging concept of relevance. A government contractor finds that he must comply with wage-hour and child labor requirements. Television and radio licensees learn that their possible violation of the antitrust laws, or allegedly misleading statements to the FCC, are relevant to their right to a license. Doctors find they can lose their licenses for inflating bills that are used as a basis for claims against insurance companies in accident cases, and theaters are threatened with loss of licenses for engaging in illegal ticket practices. The New York State Board of Regents includes in its definition of "unprofessional conduct" by doctors, dentists, and other licensed professions any discrimination against patients or clients on the basis of race, color or creed. California has used its power over the privilege of selling alcoholic beverages in order to compel licensed establishments to cease discriminating.

One of the most significant regulatory by-products of government largess is power over the recipients' "moral character." Some random illustrations will suggest the meaning and application of this phrase. The District of Columbia denied a married man in his forties a permit to operate a taxi partly because, when he was a young man in his twenties, he and a woman had been discovered about to have sexual intercourse in his car. Men with criminal records have been denied licenses to work as longshoremen and chenangoes and prevented from holding union office for the same reason. A license to operate a rooming house may be refused on the basis of lack of good character. Sonny Liston was barred from receiving a license to box in New York because of his "bad character." Louisiana attempted to deny aid to dependent children if their mothers were of bad character.

Political activities are also regulated by use of largess power. The Hatch Act forbids federal employees to engage in political activities on pain of loss of their jobs; the act was also made applicable to state employees engaged in activities aided by the federal government. But political activities thought to be subversive or communistic have been the chief area of concern. One of the earliest illustrations is the Emergency Relief Appropriations Act, which sought to prevent any member of the Communist Party or Nazi Bund from getting work under the act. Another example is the effort – ultimately frustrated by the courts – to bar communists or subversives from occupying public housing. Membership in the Communist Party or subversive organizations has been considered relevant to the right to pursue

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a number of important occupations and professions, including that of the lawyer, the radio-telegraph operator, and the port worker. Nor does the list stop at occupations. Ohio required a loyalty oath to receive unemployment compensation. For a time a loyalty oath was required under the National Defense Education Act. New York has provided for the mandatory revocation of the driver's license of any motorist convicted under the Smith Act of advocating the overthrow of the government.

The restrictions which derive from these expanded notions of relevance are enforceable not merely by withholding largess, but also by imposing sanctions. Along with largess goes the power to punish new crimes. Misuse of the gift becomes criminal, and hence new standards of lawful behavior are set: government can make it a crime to fail to spend welfare funds in such a manner as accords with the best interests of the children.

Government largess not only increases the legal basis for governmental power; it increases the political basis as well. When an individual or a business uses public money or enjoys a government privilege or occupies part of the public domain, it is easier to argue for a degree of regulation which might not be accepted if applied to businesses or individuals generally. Objections to regulation fade, whether in the minds of the general public or legal scholars, before the argument that government should make sure that its bounty is used in the public interest. Benefits, subsidies, and privileges are seen as "gifts" to be given on conditions, and thus the political and legal sources of government power merge into one.

The magnification of governmental power by administrative discretion. Broad as is the power derived from largess, it is magnified by many administrative factors when it is brought to bear on a recipient. First, the agency granting government largess generally is allowed a wide measure of discretion to interpret its own power. Second, the nature of administrative agencies, the functions they combine, and the sanctions they possess, give them additional power. Third, the circumstances in which the recipients find themselves sometimes makes them abettors, rather than resisters of the further growth of power.

The legislature generally delegates to an administrative agency its authority with respect to a given form of largess. In this very process of delegation there can be an enlargement of power. The courts allow the agencies a wide measure of discretion to make policy and to interpret legislative policy. Sometimes a legislature gives the agency several different, possibly conflicting policies, allowing it (perhaps unintentionally) to enforce now one and now another. There is little if any requirement of consistency or adherence to precedent, and the agency may, instead of promulgating rules of general application,

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make and change its policies in the process of case-to-case adjudication. For example, New Jersey's Waterfront Commission has power "in its discretion" to deny the right to work to any longshoreman if he is a person "whose presence at the piers or other waterfront terminals in the Port of New York is found by the commission on the basis of the facts and evidence before it, to constitute a danger to the public peace or safety." The discretion of an agency is even broader, and even less reviewable, when the subject matter is highly technical.

Different agency powers can augment each other, as the story of New York's television Channel Thirteen illustrates. When Channel Thirteen was put up for sale, the Federal Communications Commission wanted the transferee to be an educational television station. But although the FCC has plenary power to dispense channels initially, Congress expressly denied it the authority to pass on the comparative merits of would-be transferees. In this case a non-educational organization was the highest bidder, and would have been the purchaser if the seller followed its natural self-interest. But the FCC can cause costly, indefinite delay by commencing a general investigation. Here it used this power as a threat. The seller was given reason to fear that a time-consuming, expensive investigation would be commenced unless it sold to the lowest bidder, and educational group. Pressed by circumstances, the seller bowed. The FCC thus exercised a power denied it by Congress.

Most dispensing agencies possess the power of delay. They also possess the power of investigation and harassment; they can initiate inquiries which will prove expensive and embarrassing to an applicant. Surveillance alone can make a recipient of largess uncomfortable. And agencies have so many criteria to use, so many available grounds of decision, and so much discretion, that they, like the FCC, can usually find other grounds to accomplish what they cannot do directly. This is a temptation to the honest but zealous administrator, and an invitation to the official who is less than scrupulous. In addition, the broader the regulation, the greater the chance that everyone violates the law in some way, and the greater the opportunitis for punishment or forgiveness. But even if a dispensing agency is self-restrained and scrupulous beyond the requirements of statutes, the function of dispensing will make its power grow. For the dispensing of largess is a continuing process. The threat of an unfavorable attitude in the future should be sufficient persuasion for today.

The recipients of largess themselves add to the powers of government by their uncertainty over their rights, and their efforts to please. Unsure of their ground, they are often unwilling to contest a decision. The penalties for being wrong, in terms of possible future loss of largess, are very severe. Instead of contesting, recipients are likely to be overzealous in their acceptance of government authority

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so that a government contractor may be so anxious to root out "disloyal" employees that he dismisses men who could probably be retained consistently with government policy. Likewise a "think institute" existing primarily on government contracts, may be more eager to "think" along accepted lines because it has its next month's bills to "think" about.

This penumbral government power is, indeed, likely to be greater than the sum of the granted powers. Seeking to stay on the safe side of an uncertain, often unknowable line, people dependent on largess are likely to eschew any activities that might incur official displeasure. Beneficiaries of government bounty fear to offend, lest ways and means be found, in the obscure corners of discretion, to deny these favors in the future.

C. LARGESS AND PROCEDURAL SAFEGUARDS

The procedural law of government largess is as distinctive as the substantive. In addition to the general law governing the grant and revocation of largess, there are special aspects of unusual interest: the power to conduct trials of persons for alleged violations of law, and the authority to apply sanctions and punishments.

Procedures: in general. The granting, regulation, and revocation of government largess is carried on by procedures which, in varying degrees, represent short-cuts that tend to augment the power of the grantor at the expense of the recipient. In the first place, the tribunal is likely to be an arm of the granting agency rather than an independent and impartial body. For example, when disputes arise over government contracts, the tribunal may turn out to be the government contracting officer, himself a party to the dispute, followed by a series of contract appeals boards likewise composed of government contracting officials. More commonly the initial tribunal is a hearing officer, but the final decision is by the dispensing agency itself.

These tribunals lack not only independence; they may also be unable to provide necessary safeguards as well. Sometimes decisions are based upon evidence not in the record, or upon evidence which the recipient has no opportunity to test by cross-examination, or upon "expert" opinions which are virtually immune to adversary procedures familiar to the courtroom. The agency's own "expertise" may also be a factor of importance in the decision. Sometimes there is no hearing at all; for example, the SEC has been upheld in suspending, without a hearing, a broker-dealer license for alleged violations. Drivers licenses are also sometimes suspended without a hearing.

Decisions concerning government largess are not always subject to effective review in the courts. An application for a savings and loan charter can be granted or denied without judicial review. The matter rests in the "vast discretion" of a federal board. A local agri-

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cultural committee, exercising authority under the federal soil bank subsidy program, has virtually unreviewable authority to find a farmer in violation of the rules of the program, making him subject to statutory forfeitures. At present there is a trend toward more judicial review; but the important question is, What kind of review? Review limited to constitutional or jurisdictional questions may prove inadequate to curb possible agency abuses.

Trials. Among the matters which may be relevant to the granting or revocation of government largess are various types of law violations, civil and criminal in nature. Violations of law are normally determined by courts. But in dispensing largess, government has not always been willing to rely on courts to determine whether laws have been violated. In an increasing number of cases it has undertaken to make such determinations independently. And thereby it has exercised an extraordinary procedural power – the power to try law violations in the executive branch, without benefit of judge or jury. It is true that there "trials" cannot result in imposition of criminal sanctions. But the ability to conduct trials and adjudications is of great significance in itself, and the denial of benefits which may follow approximates a sanction.

One of the most important federal trial-conducting agencies is the Securities and Exchange Commission, which dispenses broker-dealer licenses and other privileges of great value. The SEC revokes licenses for violations of the Securities Act – violations which it determines for itself. Like power is exercised by other federal agencies. Such cases have at least the virtue of relating to matters within the special expertise of the agency. But the power to "try" also extends to matters that are more within the special competence of courts than of the agency conducting the "trial." This is clearly the case with the FCC, which disclaims any expertise in the area of the antitrust laws, but insists that it can make findings on monopolistic practices without the aid of a court, and deny licenses on the basis of such findings.

Administrative "trials" are not even limited to conduct that might violate some law. Agencies can deny government largess for "bad" conduct which is lawful. This often happens when a license is denied because of "bad character." Many largess-dispensing agencies are concerned with character – from the SEC to state boxing commissions. The entire federal loyalty-security program for public employees involves trials of character. Here the "gift" of a public job has been the justification for a process by which the agencies try not an offense but the whole of a man, his strengths and weaknesses, his moments of honor and of temptation.

Perhaps the greatest extreme reached by agency trial power is illustrated by motor vehicle bureaus, which sometimes find motorists

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"guilty" after courts have found them innocent. In New Jersey the Director of the Division of Motor Vehicles may suspend a driver's license (a) where the individual has been acquitted of the charge by a court or (b) where the individual has been convicted and punished, but the additional punishment of license suspension was expressly withheld by the sentencing court.

New and unusual punishments. Administering largess carries with it not only the power to conduct trials, but also the power to inflict many sorts of sanctions not classified as criminal punishments. The most obvious penalty is simply denial or deprivation of some form of wealth or privilege that the agency dispenses. How badly this punishment hurts depends on how essential the benefit is to the individual or business affected. The loss of some privileges or subsidies may be quite trivial. But for the government contractor placed on a blacklist the consequences may be financial ruin if the government is one of its major customers. The television station which loses its license is out of business. So is the doctor who loses his medical license.

Although the denial of benefits is consistently held not to be penal in nature, it is perfectly clear that on occasion the government uses this power as a sanction. The FCC has denied a radio or television license as a sanction for the applicant's misrepresentations to the Commission. Government contractors who are guilty of undesirable conduct may be officially "debarred" from contracting for a specified term of years.

Denial of benefits by no means exhausts the list of sanctions available to government. Severe harm can be inflicted by adverse publicity resulting from investigations, findings of violation, blacklisting, or forfeitures for cause. A striking instance is the SEC practice, upheld by the courts, of placing alleged violators of certain of its regulations on a public blacklist. Forfeitures are imposed under agricultural stabilization programs. The mere pendency of proceedings may be harmful, especially if accompanied by costly and harassing investigation and interminable delay.

III. The Public Interest State

What are the consequences of the rise of government largess and its attendant legal system? What is the impact on the recipient, on constitutional guaranties of liberty, on the structure of power in the nation? It is important to try to picture the society that is emerging, and to seek its underlying philosophy. The dominant theme, as we have seen, is "the public interest," and out of it there grows the "public interest state."

A. THE EROSION OF INDEPENDENCE

The recipient of largess, whether an organization or an individual, feels the government's power. The company that is heavily subsi-

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dized or dependent on government contracts is subjected to an added amount of regulation and inspection, sometimes to the point of having resident government officials in its plant. Perhaps the most elaborate and onerous regulation of businesses with government contracts is the industrial security system, which places all employees in defense industries under government scrutiny, and subjects all of them, even high executives, to dismissal if they fail to win government approval.

Universities also feel the power of government largess. Research and development grants to universities tend to influence the direction of university activities, and in addition inhibit the university from pursuing activities it might otherwise undertake.

Individuals are also subject to great pressures. Dr. Edward K. Barsky, a New York physician and surgeon since 1919, was for a time chairman of the joint Anti-Fascist Refugee Committee. In 1946 he was summoned before the House Committee on Un-American Activities. In the course of his examination he refused, on constitutional grounds, to produce records of the organization's contributions and expenditures. For this refusal he served six months in jail for contempt of Congress. Thereafter the New York State Education Department filed a complaint against him, under a provision of law making any doctor convicted of a crime subject to discipline. Although there was no evidence in any way touching Dr. Barsky's activities as a physician, the Department's Medical Grievance Committee suspended his medical license for six months. The New York Courts upheld the suspension. On appeal, the suspension was upheld by the United States Supreme Court.

If the businessman, the teacher, and the professional man find themselves subject to the power of government largess, the man on public assistance is even more dependent. Welfare officials, often with the best of motivations, impose conditions intended to better a client, which sometimes are a deep invasion of his freedom of action. In a memorable case in New York, an old man was denied welfare because he insisted on living under unsanitary conditions, sleeping in a barn in a pile of rags. The court's opinion expresses a characteristic philosophy: "Appellant also argues that he has a right to live as he pleases while being supported by public charity. One would admire his independence if he were not so dependent, but he has no right to defy the standards and conventions of civilized society while being supported at public expense."

To envision how sweeping the powers derived from government largess can become, one may turn to New York City, where the Commissioner of Licenses holds sway over a long list of gainful employments. With broad discretion, he dispenses and revokes licenses for exhibitions and performances, billiard and pool tables, bowling alleys, miniature golf, sidewalk cafes and stands, sightseeing guides, street

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musicians, public carts, expressmen, porters, junk dealers, second-hand dealers, pawnbrokers, auctioneers, laundries, wardrobe concessionaires, locksmiths, masseurs, bargain sales, bathhouse keepers, rooming houses, barbers, garages, refuse removal, cabarets, coffee houses, and cannon firing. The license commissioner has used his broad powers to deny licenses to many persons on the basis of "bad character." For example, an application for a junk-cart license was denied because the applicant had been charged with several crimes, even though the most recent charge had occurred over sixteen years before, and all of the charges had been dismissed. A parking lot license was denied to an applicant for failure to disclose arrests for bookmaking which had occurred some twelve years previously. Whatever the merits of individual denials, the commissioner seems to have no standards to guide him. Nor has the commissioner limited himself to denials for bad character. He has used his power of revocation to regulate his licensees in many ways. One incumbent warned motion picture houses that their licenses would be revoked if they did not clean up sidewalk displays of "lurid and flamboyant" advertising, saying that such advertising was "a blight over the important area of our city," and declaring, "If I have to close half the theaters in the Times Square area to abate this nuisance, I am ready to do so." Many other incidents might be cited. Again, the point is the absence of standards; broad discretion to deny or revoke licenses "for cause" allows a commissioner to do his own legislating and inflict his own punishments.

Vast discretion tends to corrupt. The New York State Liquor Authority, having the power to grant valuable liquor licenses to a favored few, having inadequately objective standards by which to make the choice, and operating in secret, fell into a pattern of corruption in which it would dispense its favors only in return for bribes and pay-offs, refusing to grant privileges to those who were too honest, too ignorant, or too poor to play its game. Thus a dispensing agency of government became little better than a shakedown racket.

The pressures on the individual are greatly increased by the interrelatedness of society and the pervasiveness of regulation. The individual with a black mark against him, merited or unmerited, finds that it dogs him everywhere, from locality to locality, and from one kind of work to another. Even a mountain guide in the West must now be a "person of good moral character" in order to be licensed. And licensing control can reach the point achieved by New York, where all entertainers and cabaret employees must be fingerprinted. Caught in the vast network, the individual has no hiding place.

B. PRESSURES AGAINST THE BILL OF RIGHTS

The chief legal bulwark of the individual against oppressive government power is the Bill of Rights. But government largess may impair the individual's enjoyment of those rights.

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The Appellate Division of the Supreme Court of New York instituted an inquiry into improper solicitation and handling of contingent retainers in personal injury cases in Brooklyn. (Solicitation of legal business is a crime in New York.) In the course of the inquiry Albert Martin Cohen, an attorney for thirty-nine years, was called to testify. In reply to approximately sixty questions, he pleaded his privilege against self-incrimination, guaranteed by the state constitution. The unanswered questions related to such matters as his records in contingent retainer cases, the activities of his associates, and whether he had paid others for referring cases to him. After warnings, disciplinary proceedings were instituted against Cohen for refusing to cooperate with the inquest, and he was disbarred by the Appellate Division. On review, the United States Court upheld the disbarment. Thus it appears that a lawyer may lose his profession if he exercises his constitutional privilege, or may have to relinquish his privilege in order to keep his profession.

Pressures are also applied against the protection of the fourth amendment. In the case of many public assistance programs, a power to make unannounced searches of recipients' premises is asserted by administrators. Since persons receiving public assistance fear the loss of their subsistence, they are unlikely to be able to assert their fourth amendment rights.

Largess also brings pressure against first amendment rights. The Pacifica Foundation was for a long period in danger of losing its three radio licenses because of "controversial" broadcasts, including "extreme" political views. For an extended period the FCC delayed action on the Foundation's application for renewals. Then the FCC demanded that the Foundation's directors, officers, and managers give answers disclosing whether they were or had been members of the Communist Party or of any groups advocating or teaching the overthrow of government by force. The Foundation refused to answer. Eventually the FCC renewed the licenses.

It takes a brave man to stand firm against the power that can be exerted through government largess. This is nowhere better shown than by the case of George Anastaplo. In the fall of 1950, Anastaplo passed the Illinois bar examination, and applied for approval to the Committee on Character and Fitness, which in Illinois has the duty "to examine applicants who appear before them for moral character, general fitness to practice law and good citizenship." Anastaplo came from a small town in Illinois, served honorably in the Air Force during World War II, and graduated from the University of Chicago. In his written application, Anastaplo was asked to state his understanding of American constitutional principles. After mentioning such fundamentals as the separation of powers, and protection of life, liberty, and the pursuit of happiness, Anastaplo added this sentence: "And,

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of course, whenever the particular government in power becomes destructive of these ends, it is the right of the people to alter or abolish it and thereupon to establish a new government." When Anastaplo appeared before a subcommittee of the Character Committee, the members showed great concern about the quoted sentence – despite the fact that it is taken almost word for word from the Declaration of Independence. Anastaplo was questioned in detail about his "views on revolution." In the course of that questioning one member asked him whether he was a member of any organization on the Attorney General's list, or of the Communist Party. Anastaplo refused to answer these questions on the ground that they were political questions which he was privileged not to answer under the first amendment. After further hearings during which Anastaplo stuck to his position, he was notified by the Committee that, solely because of his failure to reply, he had failed to prove such qualifications as to character and general fitness as would justify his admission to the bar of Illinois. The U. S. Supreme Court upheld the denial of admission, resting its decision on the refusal to answer the question concerning Party membership.

The foregoing cases suggest that the growth of largess has made it possible for government to "purchase" the abandonment of constitutional rights. And government, for a variety of reasons, has used this power in many circumstances.

C. FROM GOVERNMENTAL POWER TO PRIVATE POWER

The preceding description has pictured two fundamentally opposite forces: government versus the private sector of society. Emphasis on a sharp dichotomy highlights some of the relationships created by government largess. But to a considerable extent this picture distorts reality. First, the impact of governmental power falls unequally on different components of the private sector, so that some gain while others lose. Second, government largess often creates a partnership with some sectors of the private economy, which aids rather than limits the objectives of those private sectors. Third, the apparatus of governmental power may be utilized by private interests in their conflicts with other interests, and thus the tools of government become private rather than public instrumentalities.

Inequalities lie deep in the administrative structure of government largess. The whole process of acquiring it and keeping it favors some applicants and recipients over others. The administrative process is characterized by uncertainty, delay, and inordinate expense; to operate within it requires considerable know-how. All of these factors strongly favor larger, richer, more experienced companies or individuals over smaller ones. Only the most secure can weather delay or seemingly endless uncertainty. A company accused of misusing a license can engage counsel to fight the action without being

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ruined by the expenses of the defense; an individual may find revocation proceedings are enough to send him to the poorhouse regardless of the outcome. And the large and the small are not always treated alike. For example, small firms which deal with the government are sometimes placed on a blacklist because of delinquencies in performance, thus losing out on all government contracts. But giant contractors who are guilty of similar delinquencies are apparently not subject to this drastic punishment. Similarly, regulation of taxicabs tends to be harder on the individual owner or driver, who may lose his driver's license, while little harm comes to the company controlling a fleet, which may lose drivers but not its precious franchises.

These inequalities modify somewhat the simple picture of a government-private dichotomy. But a second modification is required: government and the private sector (or a favored part of that sector) are often partners rather than opposing interests. The concept of partnership covers many quite different situations. Sometimes government largess serves to aid the private objectives of an industry, as when government supplies grazing land to stockmen, timber to the lumber industry, and scientific know-how to the private investors in Telstar. A second type of partnership exists where governmental actions protects the recipient of largess from adverse forces with which he would otherwise have to contend; the Atomic Energy Commission provides insurance against public liability due to negligence. Just as frequently, government largess offers protection against the disadvantages of competition. ICC motor carrier regulation provides partial monopolies for each trucker. CAB routes give partial monopolies to airlines. Professional or occupational licensing limits competion and adds a tone of respectability and reliability as well. Often the leaders in seeking regulation have been the persons affected, and not government or the general community; the professional and occupational groups want government protection just as the property owner wants zoning. Sometimes licensing is a particularly obvious cover for monopoly. An ordinance in Seattle limited to a handful the number of persons or firms who could be licensed to operate juke boxes in different establishments; this effectively restricted the business to a small but highly privileged group. The partnership of government and private parties may give further protection — not merely from the consequences of competition, but also from the legal consequences of eliminating competition. Some privilege-dispensing agencies can exempt their clients from the antitrust laws, and, like the Maritime Board, use this power in connection with the grant of franchises to make lawful all sorts of anticompetitive practices that otherwise would violate the Sherman Act.

Public-private partnerships attain their greatest significance when they are translated into power. Sometimes private elements are

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able to take over the vast governmental powers deriving from largess, and use them for their own purposes. Thus, an exercise of governmental power may reflect the standards of the dominant group in an industry or occupation, and represent an effort to enforce these standards on others. The Isbrandtsen Company's troubles with government agencies reflect the difficulties of the rate-cutter. The organized bar's greater concern with "ambulance chasing" than with other ethical failings reflects the dominant group's suspicion of the negligence lawyer. The revocation of the license of a radio station in Kingstree, Georgia, for broadcasting "vulgar" jokes, contrasts sharply with the failure of the FCC to criticize vulgarity on the large television networks. Licensing creates a guild system, in which an industry or occupational group can police itself. By these means an oligarchy dominates, competition is suppressed, and minority behavior restrained.

In any society with powerful or dominant private groups, it is not unexpected that governmental systems of power will be utilized by private groups. Hence the frequency with which regulatory agencies are taken over by those they are supposed to regulate. Significantly, most of these agencies are also the chief federal dispensers of largess. They quarrel with the industries they regulate, but seen in a larger perspective these quarrels are all in the family. In sum, the great system of power created by governmental largess is a ready means to further some private groups, and not merely an advance in the position of government over that which is "private" in society as a whole.

D. THE NEW FEUDALISM

The characteristics of the public interest state are varied, but there is an underlying philosophy that unites them. This is the doctrine that the wealth that flows from government is held by its recipients conditionally, subject to confiscation in the interest of the paramount state. This philosophy is epitomized in the most important of all judicial decisions concerning government largess, the case of *Flemming v. Nestor.*

Ephram Nestor, an alien, came to this country in 1913, and after a long working life became eligible in 1955 for old-age benefits under the Social Security Act. From 1936 to 1955 Nestor and his employers had contributed payments to the government which went into a special old-age and survivors' insurance trust fund. From 1933 to 1939 Nestor was a member of the Communist Party. Long after his membership ceased, Congress passed a law retroactively making such membership cause for deportation, and a second law, also retroactive, making such deportation for having been a member of the Party grounds for loss of retirement benefits. In 1956 Nestor was deported, leaving his wife here. Soon after his deportation, payment of benefits to Nestor's wife was terminated.

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In a five to four decision, the Supreme Court held that cutting off Nestor's retirement insurance, although based on conduct completely lawful at the time, was not unconstitutional. Specifically, it was not a taking of property without due process of law; Nestor's benefits were not an "accrued property right." The Court recognized that each worker's benefits flow "from the contributions he made to the national economy while actively employed," but it held that his interest is "noncontractual" and "cannot be soundly analogized to that of the holder of an annuity." The Court further stated that, in any case where Congress "modified" social security rights, the Court should interfere only if the action is "utterly lacking in rational justification." This, the Court said, "is not the case here." As the Court saw it, it might be deemed reasonable for Congress to limit payments to those living in this country; moreover, the Court thought it would not have been "irrational for Congress to have concluded that the public purse should not be utilized to contribute to the support of those deported on the grounds specified in the statute."

The implications of *Flemming v. Nestor* are profound. No form of government largess is more personal or individual than an old age pension. No form is more clearly earned by the recipient, who, together with his employer, contributes to the Social Security fund during the years of his employment. No form is more obviously a compulsory substitute for private property; the tax on wage earner and employer might readily have gone to higher pay and higher private savings instead. No form is more relied on, and more often thought of as property. No form is more vital to the independence and dignity of the individual. Yet under the philosophy of Congress and the Court, a man or woman, after a lifetime of work, has no rights which may not be taken away to serve some public policy.

The philosophy of *Flemming v. Nestor* and similar cases, resembles the philosophy of feudal tenure. Wealth is not "owned," or "vested" in the holders. Instead, it is held conditionally, the conditions being ones which seek to ensure the fulfillment of obligations imposed by the state. Just as the feudal system linked lord and vassal through a system of mutual dependence, obligation, and loyalty, so government largess binds man to the state. And, it may be added, fealty to the state is often one of the essential conditions of modern tenure. In the many decisions taking away government largess for refusal to sign loyalty oaths, belonging to "subversive" organizations, or other similar grounds, there is more than a suggestion of the condition of fealty demanded in medieval times.

The comparison to the general outlines of the feudal system may best be seen by recapitulating some of the chief features of government largess. (1) Increasingly we turn over wealth and rights to government, which reallocates and redistributes them in the many

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forms of largess; (2) there is a merging of public and private, in which lines or private ownership are blurred; (3) the administration of the system has given rise to special laws and special tribunals, outside the ordinary structure of government; (4) the right to possess and use government largess is bound up with the recipient's legal status; status is both the basis for receiving largess and a consequence of receiving it; hence the new wealth is not readily transferable; (5) individuals hold the wealth conditionally rather than absolutely; the conditions are usually obligation of loyalty to the government; the obligations may be changed or increased at the will of the state; (6) for breach of condition the wealth may be forfeited or escheated back to the government; (7) the sovereign power is shared with large private interests; (8) the object of the whole system is to enforce "the public interest" – the interest of the state or society or the lord paramount – by means of the distribution and use of wealth in such a way as to create and maintain dependence.

This feudal philosophy of largess and tenure may well be a characteristic of collective societies, regardless of their political systems. According to one scholar, national socialism regarded property as contingent upon duties owed the state. In Soviet Sussia, the trend reportedly has been somewhat similar, although starting from a different theoretical point.

The public interest state is not with us yet. But we are left with large questions. If the day comes when most private ownership is supplanted by government largess, how then will governmental power over individuals be contained? What will dependence do to the American character? What will happen to the Constitution, and particularly the Bill of Rights, if their limits may be bypassed by purchase, and if people lack an independent base from which to assert their individuality and claim their rights? Without the security of the person which individual wealth provides and which largess fails to provide, what, indeed, will we become?

IV. Property and the Public Interest: An Old Debate Revisited

The public interest state, as visualized above, represents in one sense the triumph of society over private property. This triumph is the end point of a great and necessary movement for reform. But somehow the result is different from what the reformers wanted. Somehow the idealistic concept of the public interest has summoned up a doctrine monstrous and oppressive. It is time to take another lok at private property, and at the "public interest" philosophy that dominates its modern substitute, the largess of government.

A. PROPERTY AND LIBERTY

Property is a legal institution, the essence of which is the creation and protection of certain private rights in wealth of any kind. The

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institution performs many different functions. One of these functions is to draw a boundary between public and private power. Property draws a circle around the activities of each private individual or organization. Within that circle the owner has a greater degree of freedom than from without. Outside, he must justify or explain his actions, and show his authority. Within, he is master, and the state must explain and justify any interference – it is as if property shifted the burden of proof.

Thus, property performs the function of maintaining independence, dignity and pluralism in society by creating zones within which the majority has to yield to the owner. Whim, caprice, irrationality and "antisocial" activities are given the protection of law; the owner may do what all or most of his neighbors decry. The Bill of Rights also serves this function, but while the Bill of Rights comes into play only at extraordinary moments of conflict or crisis, property affords day-to-day protection in the ordinary affairs of life. Indeed, in the final analysis the Bill of Rights depends upon the existence of private property. Political rights presuppose that individuals and private groups have the will and the means to act independently. But so long as individuals are motivated largely by self-interest, their well-being must first be independent. Civil liberties must have a basis in property, or bills of rights will not preserve them.

Property is not a natural right but a deliberate construction by society. If such an institution did not exist, it would be necessary to cerate it, in order to have the kind of society we wish. The majority cannot be expected, on specific issues, to yield its power to a minority. Only if the minority's will is established as a general principle can it keep majority at bay in a given instance. Like the Bill of Rights, property represents a general, long-range protection of individual and private interests, created by the majority for the ultimate good of all.

Today, however, it is widely thought that property and liberty are separable things; that there may, in fact, be conflicts between "property rights" and "personal rights." Why has this view been accepted? The explanation is found at least partly in the transformations which have taken place in property.

During the industrial revolution, when property was liberated from feudal restraints, philosophers hailed property as the basis of liberty, and argued that it must be free from the demands of government or society. But as private property grew, so did abuses resulting from its use. In a crowded world, a man's use of his property increasingly affected his neighbor, and one man's exercise of a right might seriously impair the rights of others. Property became power over others; the farm landowner, the city landlord, and the workingman's boss were able to oppress their tenants or employees. Great aggregations of property resulted in private control of entire indus-

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tries and basic services capable of affecting a whole area or even a nation. At the same time, much private property lost its individuality and in effect became socialized. Multiple ownership of corporations helped to separate personality from property, and property from power. When the corporations began to stop competing, and to merge, agree, and make mutual plans, they became private governments. Finally, they sought the aid and partnership of the state, and thus by their own volition became part of public government.

These changes led to a movement for reform, which sought to limit arbitrary private power and protect the common man. Property rights were considered more the enemy than the friend of liberty. The reformers argued that property must be separated from personality. During the first half of the twentieth century, the reformers enacted into law their conviction that private power was a chief enemy of society and of individual liberty. Property was subjected to "reasonable" limitations in the interests of society. The regulatory agencies, federal and state, were born of the reform. In sustaining these major inroads on private property, the Supreme Court rejected the older idea that property and liberty were one, and wrote a series of classic opinions upholding the power of the people to regulate and limit private rights.

The struggle between abuse and reform made it easy to forget the basic importance of individual private property. The defense of private property was almost entirely a defense of its abuses – an attempt to defend not individual property but arbitrary private power over other human beings. Since this defense was cloaked in a defense of private property, it was natural for the reformers to attack too broadly. Walter Lippmann saw this in 1934: "But the issue between the giant corporation and the public should not be allowed to obscure the truth that the only dependable foundation of personal liberty is the economic security of private property."

The reform took away some of the power of the corporations and transferred it to government. In this transfer there was much good, for power was made responsive to the majority rather than to the arbitrary and selfish few. But the reform did not restore the individual to his domain. What the corporation had taken from him, the reform simply handed on to government. And government carried further the powers formerly exercised by the corporation. Government as an employer, or as a dispenser of wealth, has used the theory that it was handing out grattuities to claim a managerial power as great as that which the capitalists claimed. Moreover, the corporations allied themselves with, or actually took over, part of government's system of power. Today it is the combined power of government and the corporations that presses against the individual.

From the individual's point of view, it is not any particular kind

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of power, but all kinds of power that are to be feared. This is the lesson of the public interest state. The mere fact that power is derived from the majority does not necessarily make it less oppressive. Liberty is more than the right to do what the majority wants, or to do what is "reasonable". Liberty is the right to defy the majority, and to do what is unreasonable. The great error of the public interest state is that it assumes an identity between the public interest and the interest of the majority.

B. LARGESS AND THE PUBLIC INTEREST

The fact that the reforms of the past decades tended to make much private wealth subject to "the public interest" has great significance, but it does not adequately explain the dependent position of the individual and the weakening of civil liberties in the public interest state. The reformers intended to enhance the values of democracy and liberty; their basic concern was the preservation of a free society. But after they established the primacy of "the public interest", what meaning was given to that phrase? In particular, what value does it embody as it has been employed to regulate government largess?

Reduced to simplest terms, "the public interest" has usually meant this: government largess may be denied or taken away if this will serve some legitimate public policy. Most of the objectives aimed at are laudable, and all are within the power of government. The great difficulty is that they are simplistic. Concentration on a single policy or value obscures other values that may be at stake. Some of these competing values are other public policies; for example, the policy of the best possible television service to the public may compete with observance of the antitrust laws. The legislature is the natural arbiter of such conflicts. But the conflicts may also be more fundamental. In the regulation of government largess, achievement of specific policy goals may undermine the independence of the individual. Where such conflicts exist, a simplistic notion of the public interest may unwittingly destroy some values.

Judges tend to limit their sights to a single issue. *Barsky v. Board of Regents* shows how one-sided the public interest concept may become. The Supreme Court, upholding the suspension of Dr. Barsky's license (for contempt of Congress), identified the public interest as the state's "broad power to establish and enforce standards of conduct relative to the health of everyone there," and the "state's legitimate concern for maintaining high standards of professional conduct." But what about the importance of giving doctors security in their professions? What about the benefits to the state from having physicians who are independent of administrative control? Not only were these ignored by the state and the court; no effort was even made to show how the suspension promoted the one public policy that was named

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(high professional standards for those concerned with public health). As Justice Frankfurter said, "It is one thing to recognize the freedom which the constitution wisely leaves to the States in regulating the professions. It is quite another thing, however, to sanction a State's deprivation or partial destruction of a man's professional life on grounds having no possible relation to fitness, intellectual or moral, to pursue his profession."

In this case, as in others affecting various kinds of licenses, the courts did not attempt to assign any weight to the value of unfettered exercise of constitutional rights. Nor did the courts consider what effect their decisions might have on the constitutional rights of motorists, radio operators, businessmen or lawyers generally. Each case was treated as if it existed in isolation – as if each individual's case concerned him alone. This fundamental fallacy – treating the "individual interest" as affecting only the party to the case – runs through many of the public interest decisions concerning largess.

It is not the reformers who must bear the blame for the harmful consequences of the public interest state, but those who are responsible for giving "the public interest" its present meaning. If "the public interest" distorts the reformers' high purposes, this is so because the concept has been so gravely misstated. Government largess, like all wealth, must necessarily be regulated in the public interest. But regulation must take account of the dangers of dependence, and the need for a property base for civil liberties. Rightly conceived, the public interest is no justification for the erosion of freedom that has resulted from the present system of government largess.

V. Toward Individual Stakes in the Commonwealth.

Ahead there stretches – to the farthest horizon – the joyless landscape of the public interest state. The life it promises will be comfortable and comforting. It will be well planned – with suitable areas for work and play. But there will be no precincts sacred to the spirit of individual man.

There can be no retreat from the public interest state. It is the inevitable outgrowth of an interdependent world. An effort to return to an earlier economic order would merely transfer power to giant private governments which would rule, not in the public interest, but in their own interest. If individualism and pluralism are to be preserved, this must be done not by marching backwards, but by building these values into today's society. If public and private property can no longer perform its protective functions, it will be necessary to establish institutions to carry on the work that private property once did but can no longer do.

In these efforts government largess must play a major role. As we move toward a welfare state, largess will be an ever more impor-

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tant form of wealth. And largess is a vital link in the relationship between the government and private sides of society. It is necessary, then, that largess begin to do the work of property.

The chief obstacle to the creation of private rights in largess has been the fact that it is originally public property, comes from the state, and may be withheld completely. But this need not be an obstacle. Traditional property also comes from the state, and in much the same way. Land, for example, traces back to grants from the sovereign. In the United States, some was the gift of the King of England, some that of the King of Spain. The sovereign extinguished Indian title by conquest, became the new owner, and then granted title to a private individual or group. Some land was the gift of the sovereign under laws such as the Homestead and Preemption Acts. Many other natural resources – water, minerals and timber – passed into private ownership under similar grants. In America, land and resources all were originally government largess. In a less obvious sense, personal property also stems from government. Personal property is created by law; it owes its origin and continuance to laws supported by the people as a whole. These laws "give" the property to one who performs certain actions. Even the man who catches a wild animal "owns" the animal only as a gift from the sovereign, having fulfilled the terms of an offer to transfer ownership.

Like largess, real and personal property were also originally dispensed on conditions, and were subject to forfeiture if the conditions failed. The conditions in the sovereign grants, such as colonization, were generally made explicit, and so was the forfeiture resulting from failure to fulfill them. In the case of the Preemption and Homestead Acts, there were also specific conditions. Even now land is subject to forfeiture for neglect; if it is unused it may be deemed abandoned to the state or forfeited to an adverse possessor. In a very similar way, personal property may be forfeited by abandonment or loss.

If all property is government largess, why is it not regulated to the same degree as present-day largess? Regulation of property has been limited, not because society has no interest in property, but because it was in the interest of society that property be free. Once property is seen not as a natural right but as a construction designed to serve certain functions, then its origin ceases to be decisive in determining how much regulation should be imposed. The conditions that can be attached to receipt, ownership, and use depend not on where property came from, but on what job it should be expected to perform. Thus in the case of government largess, nothing turns on the fact that it originated in government. The real issue is how it functions and how it should function.

To create an institution, or to make an existing institution function in a new way, is an undertaking far too ambitious for the present

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article. But it is possible to begin a search for guiding principles. Such principles must grow out of what we know about how government largess has functioned up to the present time. And while principles must remain at the level of generality, it should be kept in mind that not every principle is equally applicable to all forms of largess. Our primary focus must be those forms of largess which chiefly control the rights and status of the individual.

A. CONSTITUTIONAL LIMITS

The most clearly defined problem posed by government largess is the way it can be used to apply pressure against the exercise of constitutional rights. A first principle should be that government must have no power to "buy up" rights guaranteed by the Constitution. It should not be able to impose any condition on largess that would be invalid if imposed on something other than a "gratuity." Thus, for example, government should not be able to deny largess because of invocation of the privilege against self-incrimination.

This principle is in a sense a revival of the old but neglected rule against unconstitutional conditions, as enunciated by the Supreme Court twenty-five years ago: "Broadly stated, the rule is that the right to continue the exercise of a privilege granted by the state cannot be made to depend upon the grantee's submission to a condition prescribed by the state which is hostile to the provisions of the federal constitution." The courts in recent times have gone part of the distance toward this principle. In 1958 the Supreme Court held that California could not use the gratuity theory to deny a tax exemption to persons engaged in certain political activities: "To deny an exemption to claimants who engage in certain forms of speech is in effect to penalize them for such speech. Its deterrent effect is that same as if the state were to fine them for this speech. The appellees are plainly mistaken in their argument that, because a tax exemption is a 'privilege' or a 'bounty,' its denial may not infringe speech." In 1963 the Court followed this reasoning in the important case of *Sherbert v. Verner*. South Carolina provided unemployment compensation, but required recipients to accept suitable employment when it became available, or lose their benefits. An unemployed woman was offered a job requiring her to work Saturdays, but she refused it because she was a Seventh Day Adventist, for whom Saturdays is the Sabbath – a day when work is forbidden. The state thereafter refused to pay her any unemployment benefits. The Supreme Court reversed this action.

The problem becomes more complicated when a court attempts, as current doctrine seems to require, to "balance" the deterrence of a constitutional right against some opposing interest. In any balancing process, no weight should be given to the contention that what is at stake is a mere gratuity. It should be recognized that pressure against constitutional rights from denial of a "gratuity" may be as great or

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greater than pressure from criminal punishment. And the concept of the public interest should be given a meaning broad enough to include general injury to independence and constitutional rights. It is not possible to consider detailed problems here. It is enough to say that government should gain no power, as against constitutional limitations, by reason of its role as a dispenser of wealth.

B. SUBSTANTIVE LIMITS

Beyond the limits deriving from the Constitution, what limits should be imposed on governmental power over largess? Such limits, whatever they may be, must be largely self-imposed and self-policed by legislatures; the Constitution sets only a bare minimum of limitations on legislative policy. The first type of limit should be on relevance. It has proven possible to argue that practically anything in the way of regulation is relevant to some legitimate legislative purpose. But this does not mean that it is desirable for legislatures to make such use of their powers. And courts sometimes manage, by statutory construction, to place limits on relevance. One example was the negative judicial reaction to attempts to ban "disloyal tenants" from government aided housing projects.

Besides relevance, a second importnt limit on substantive power might be concerned with discretion. To whatever extent possible, delegated power to make rules ought to be confined within ascertainable limits, and regulating agencies should not be assigned the task of enforcing conflicting policies. Also, agencies should be enjoined to use their powers only for those purposes for which they were designed. In a perhaps naive attempt to accomplish this, Senator Lausche introduced a bill to prohibit United States government contracting officers from using their contracting authority for purposes of duress. This bill in its own words, would prohibit officials from denying contracts, or the right to bid on contracts, with the intent of forcing the would-be contractor to perform or refrain from performing any act which such person had no legal obligation to perform or not perform. Although this bill might not be a very effective piece of legislation, it does suggest a desirable objective.

A final limit on substantive power, one that should be of growing importance, might be a principle that policymaking authority ought not to be delegated to essentially private organizations. The increasing practice of giving professional associations and occupational organizations authority in areas of government largess tends to make an individual subject to a guild of his fellows. A guild system, when attached to government largess, adds to the feudal characteristics of the system.

C. PROCEDURAL SAFEGUARDS

Because it is so hard to confine relevance and discretion, procedure offers a valuable means for restraining arbitrary action. This was

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recognized in the strong procedural emphasis of the Bill of Rights, and it is being recognized in the increasingly procedural emphasis of administration law. The law of government largess has developed with little regard for procedure. Reversal of this trend is long overdue.

The grant, denial, revocation and administration of all types of government largess should be subject to scrupulous observance of fair procedures. Action should be open to hearing and contest, and based upon a record subject to judicial review. The denial of any form of privilege or benefit on the basis of undisclosed reasons should no longer be tolerated. Nor should the same person sit as legislator, prosecutor, judge and jury, combining all the functions of government in such a way as to make fairness virtually impossible. There is no justification for the survival of arbitrary methods where valuable rights are at stake. Even higher standards of procedural fairness should apply when Government action has all the effects of a penal sanction.

Even if no sanction is involved, the proceedings associated with government largess must not be used to undertake adjudications of facts that normally should be made by a court after a trial. Assuming it is relevant to the grant of a license or benefit to know whether an individual has been guilty of a crime or other violation of law, should violations be determined by the agency? The consequence is an adjudication of guilt without benefit of constitutional criminal proceedings with judge, jury, and the safeguards of the Bill of Rights. In our society it is impossible to "try" a violation of law for any purpose without "trying" the whole person of the alleged violator. The very adjudication is punishment, even if no consequences are attached. It may be added that an agency should not find "guilt" after a court has found innocence. The spirit, if not the letter, of the constituional ban against double jeopardy should prevent an agency from subjecting anyone to a second trial for the same offense.

D. FROM LARGESS TO RIGHT

The proposals discussed above, however salutary, are by themselves far from adequate to assure the status of individual man with respect to largess. The problems go deeper. First, the growth of government power based on the dispensing of wealth must be kept within bounds. Second, there must be a zone of privacy for each individual beyond which neither government nor private power can push — a hiding place from the all-pervasive system of regulation and control. Finally, it must be recognized that we are becoming a society based upon relationship and status — status deriving primarily from source of livelihood. Status is so closely linked to personality that destruction of one may well denote destruction of the other. Status must therefore be surrounded with the kind of safeguards once reserved for personality alone.

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Eventually those forms of largess which are closely linked to status must be deemed to be held as of right. Like property, such largess could be governed by a system of regulation plus civil or criminal sanctions, rather than a system based upon denial, suspension and revocation. As things now stand, violations lead to forfeitures – outright confiscation of wealth and status. But there is surely no need for these drastic results. Confiscation, if used at all, should be the ultimate, not the most common and convenient penalty. The presumption should be that the professional man will keep his license, and the welfare recipient his pension. These interests should be "vested." If revocation is necessary, not by reason of the fault of the individual holder, but by reason of overriding demands of public policy, perhaps payment of just compensation would be appropriate. The individual should not bear the entire loss for a remedy primarily intended to benefit the community.

The concept of right is most urgently needed with respect to benefits like unemployment compensation, public assistance, and old age insurance. These benefits are based upon a recognition that misfortune and deprivation are often caused by forces far beyond the control of the individual, such as technological change, variations in demands for goods, depressions, or wars. The aim of these benefits is to preserve the self-sufficiency of the individual, to rehabilitate him where necessary, and to allow him to be a valuable member of a family and of a community; in theory they represent part of the individual's rightful share in the commonwealth. Only by making such benefits into rights can the welfare state achieve its goal of providing a secure minimum basis for individual well-being and dignity in a society where each man cannot be wholly the master of his own destiny.

Conclusion

The highly organized, scientifically planned society of the future, governed for the good of its inhabitants, promises the best life that men have ever known. In place of the misery and injustice of the past there can be prosperity, leisure, knowledge, and rich opportunity open to all. In the rush of accomplishment, however, not all values receive equal attention; some are temporarily forgotten while others are pushed ahead. We have made provision for nearly everything, but we have made no adequate provision for individual man.

This article is an attempt to offer perspective on the transformation of society as it bears on the economic basis of individualism. The effort has been to show relationships; to bring together drivers' licenses, unemployment insurance, membership in the bar, permits for using school auditoriums, and second class mailing privileges, in order to see what we are becoming.

Government largess is only one small corner of a far vaster prob-

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lem. There are many other new forms of wealth: franchises in private businesses, equities in corporations, the right to receive privately furnished utilities and services, status in private organizations. These too may need added safeguards in the future. Similarly, there are many sources of expanded governmental power aside from largess. By themselves, proposals concerning government largess would be far from accomplishing any fundamental reforms. But, somehow, we must begin.

At the very least, it is time to reconsider the theories under which new forms of wealth are regulated, and by which governmental power over them is measured. It is time to recognize that "the public interest" is all too often a reassuring platitude that covers up sharp clashes of conflicting values, and hides fundamental choices. It is time to see that the "privilege" or "gratuity" concept, as applied to wealth dispensed by government, is not much different from the absolute right of ownership that private capital once invoked to justify arbitrary power over employees and the public.

Above all, the time has come for us to remember what the framers of the Constitution knew so well – that "a power over a man's subsistence amounts to a power over his will." If the individual is to survive in a collective society, he must have protection against its ruthless pressures. The challenge of the future will be to construct, for the society that is coming, the appropirate institutions and laws. Just as the Homestead Act was a deliberate effort to foster individual values at an earlier time, so we must try to build an economic basis for liberty today – a Homestead Act for rootless twentieth-century man. We must create a new property.

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"Socialized medicine" in practice

WILLIAM A. GLASER

Long resisted albeit ambiguously defined, "socialized medicine" seems finally to have come in America. To its proponents, the Health Insurance for the Aged Act of 1965 promises to alleviate the anxieties and satisfy the health needs of the aged; to its critics, it threatens to create a massive bureaucracy that will permit politically-motivated laymen to dictate to doctors and hospitals. Who is right?

A close reading of the statute gives no clear answer. It reveals the Act to be a general framework rather than a specific plan. The Act provides that money shall be collected from taxes and paid for the medical care of the aged – but the precise administrative structure is left for future negotiation. Thus one cannot be certain whether the Medicare statute will achieve either the hopes that inspired it or the fears that it has provoked. One cannot even say, with precision, whether or not it truly establishes "socialized medicine" in America. At present, one can do no more than make informed guesses, based on knowledge of American conditions and on facts from other countries with extensive public schemes of medical care.

This article will report how publicly-sponsored systems of medical care actually operate abroad. From these generalizations about the workings of "socialized medicine" in practice, I will make inferences

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as to trends that might occur in American medicine, as a result of the Medicare program. I shall concentrate on the topics customarily emphasized in American discussions about the dangers and merits of "socialized medicine" – namely, the relationships between doctors and public agencies, and the effects of public programs on the performance of doctors. A fuller examination of "socialized medicine" would say considerably more about the effects on hospitals, private health insurance schemes, medical schools, and other medical institutions.

The article is based on my research into the organization of medical care in Europe, the Soviet bloc, and the Middle East. This research, extending over a period of a year and a half, involved visits to sixteen countries and interviews with officials in Ministries of Health, officials in health insurance programs, secretaries of medical associations, members of hospital medical staffs, private practitioners, and others.

Kinds of socialized medicine

Extensive public systems for providing medical care are of two types: national health insurance and national health services. Most developed countries, particularly in Europe, have some type of national health insurance. Basically, this is simply a method of paying the doctor for care given subscribers, and the conditions of private office practice or of hospital in-patient care are changed very little. National health insurance usually evolves out of a long history of private health insurance sponsored by labor unions and cooperatives. It is based on employment: workers and their employers contribute to funds, and the funds pay for medical care for these workers, usually for their dependents, and also usually for retired workers. In order to ensure collections, to extend coverage, and to improve fiscal efficiency, these programs are almost invariably given a public character by statute, at some point in their history. Instead of relying on voluntary contributions by workers and employers, social security taxes are levied on both; and, further, instead of having to live within the limited income generated by social security taxes, insurance funds in many countries are given large grants by the Treasury from general tax revenues. Usually the insurance funds enjoy considerable administrative autonomy, within the limits of general policy laid down by legislatures. In many countries, the funds are supervised by the Ministry of Labor; elsewhere, they are governed by their own boards. It is common that the insurance system involves no newly-created government agencies, but is simply composed of the pre-existing private funds, now strengthened with legal authority and public subsidies.

Because an insurance principle is based on employment, most

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national insurance schemes cover only employed persons, their dependents, and some recently retired workers. In the most developed countries, about three-quarters of the population is so covered; in some of the less affluent countries along the Mediterranean, a quarter or half of the population is covered. The groups who are not covered usually are the unemployed, the unemployable, the elderly with no continuous work experience, businessmen and some of the wealthier classes. Only recently are the farmers being included. The sick fund will usually pay the doctor's fees directly to the doctor; in a few countries, it reimburses the patient after he has paid the doctor. The funds also pay the hospitalization costs of subscribers; in most countries the funds pay the full hospital bill, including the cost of all drugs.

When most Americans speak of "socialized medicine," however, they usually visualize, not a system of national health insurance, but a national health service. This is a nationwide administrative structure that dispenses medical care and that may be used *as a matter of right* by all citizens, regardless of their status as workers or taxpayers. Such a system is very rare among developed countries, and is adopted only because national health insurance is incomplete or cannot be financed adequately through payroll taxes. Great Britain created such a national health service after several decades of experience with national health insurance; there was a desire to expand coverage of the population; more money was required to pay for hospitalization and physicians' fees than was available in the insurance funds; and the hospitals needed to be reorganized and improved. The English system does not "bureaucratize" the doctors, in the sense of arranging them in a chain of command. Instead, the National Health Service is a loosely arranged hierarchy of committees composed of laymen and medical representatives, functioning according to general directives from the Ministry of Health, and acting primarily as the dispensers of money. British doctors have contracts with these committees, but are not their employees or subordinates.

National health services are found more commonly in underdeveloped countries. Usually the colonial government maintained a small corps of salaried doctors to give care to the general public in polyclinics and hospitals. After independence, the new government confronts a society that has poor health, few doctors and facilities, and too little private purchasing power to support private practice. Therefore the new government expands its salaried medical corps, most of the country's doctors join it, and all but the rich use it. In many such systems, the doctors are arranged in a hierarchy of ranks and are employees of the Ministry of Health. The Soviet Union has the most extensive system of this type today. With various modification, the pattern will become standard in Asia, Africa, and Latin America.

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American medicare in world perspective

The Health Insurance for the Aged Act creates, not a national health service, but a national health insurance program of limited scope. All employed and self-employed persons are taxed, but only two categories are covered – the aged who are eligible for social security benefits and other aged persons who become voluntary subscribers. The program is simply a way of coping with hospital and doctors' bills; it does not specifically reorganize the working conditions of doctors.

In every country, a comprehensive system of national health insurance usually evolves out of modest beginnings. By starting coverage with one group, the American program is typical. But by beginning with a special program for the aged, the U.S. is unique. In other countries, coverage is first sought for industrial workers, and the aged are included later or never. In most countries where national health insurance does cover the aged, these persons usually must have built up eligibility during prior years as subscribers and users of the sick funds; thus, care for the aged is simply an extension of care for the economically active. Italy is one of the few countries with a special fund for the aged, while Holland and Sweden are among the few countries where large numbers of aged are covered by the general health insurance program, regardless of whether these persons were eligible for treatment through the same sick funds during their economically active years. Because the aged are so expensive to treat, care can be financed only if hospitals and doctors agree to accept lower fees (as in Italy) or only if the government subsidizes the sick funds from general taxation (as in Holland and Sweden).

Demands for national health insurance, or for a national health service, arise in any country when medical care is unavailable or too expensive for large segments of the population. If the pressures for national health insurance occurred first on behalf of the aged in America, and first on behalf of industrial workers elsewhere in the world, the different priorities reflect the numerous unique characteristics of this country. America's wealth means that many people are capable of paying doctors and hospitals, albeit with the complaints that accompany medical expenditures everywhere. The strength of labor unions has resulted in well-financed private health insurance programs paid for, in large part, by employers; such extensive private coverage of large categories of workers has never been achieved in any other country, because of the weakness of private collective bargaining. In order to head off socialized medicine in America, the medical and hospital associations themselves have created extensive hospitalization and medical insurance; medical societies abroad rarely sponsor health insurance. In most countries, a program is either wholly public or wholly private, but America has a tradition of

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government grants to supplement inadequate private finances, and thus private hospitals, medical schools, and research centers have been able to survive and flourish with government help.

Thus the problems in America are selective gaps in coverage (rather than large deficits in care), high prices, and the control of undue hospitalization and drug costs. These problems have not been sufficiently acute and widespread to generate demands for a sweeping reorganization of American health insurance and medical care — unlike the critical situations that have led to general changes abroad. Inadequate insurance coverage and high medical costs for the aged have been one of the special and persistent problems in America, and consequently national health insurance in America has begun at a point where it started nowhere else. In other countries, coverage spread by subsequent amendments to the original legislation; but there is no assurance that America will follow the same evolution, unless a general breakdown in medical care unexpectedly occurs.

The power of the medical profession

One might think that "socialized medicine" potentially could transfer power over medical services from the doctors to the laymen — especially the laymen in strategic government posts. But in practice abroad, national health insurance and national health services are dominated by doctors. It would be very surprising if the same were not true of the actual administration of Medicare in America.

A fundamental reason for domination by the doctors, of course, is lay deference to professional expertise. In practice, most medical work is technical and naturally gravitates into the hands of the persons with the special training to do it. In most of the world, laymen greatly respect medicine and doctors, and the lay administrators in socialized medical systems invariably treat the doctors with much deference. Consequently, in most administrative decisions made by mixed committees with lay and professional members, the doctors exercise weight beyond their numbers; and in decisions made by lay administrators in the health services, the laymen often act on professional advice.

The Health Insurance for the Aged Act creates many openings for such domination by the doctors. It establishes all-medical or mixed medical-lay advisory committees in several key areas of decision-making, such as the approval of participating hospitals, the definition of reasonable charges, and the review of utilization. The statute requires the Department of Health, Education, and Welfare to consult associations representing doctors and hospitals. In practice — just as occurs in other countries — the Department will probably make no decisions unacceptable to the doctors on these committees

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or to the professional associations. Other clauses offer even greater potential scope for professional authority in the administration of the act: the insurance of medical fees (as distinct from hospitalization fees) is supposed to be conducted wherever possible through existing carriers, and thus the Blue Shield Plans sponsored by medical societies might take over this portion of Medicare. Only in Holland did a large proportion of the officially recognized sick funds evolve out of private funds originally created by the doctors themselves, and the Dutch evolution ensured a dominant voice for the doctors in the administration of national health insurance. American Medicare may well develop similarly.

Usually socialized medical institutions are not created abroad unless they have been made acceptable to the medical profession. If the scheme is national health insurance or a national health service enacted by a democratic legislature, the conservative political parties are usually strong enough to delay passage until the medical association's principal objections are met. Whether the government is authoritarian or democratic, the cooperation of the doctors is necessary to make the system work successfully, and therefore the officials modify the scheme to please them. Almost never is any new medical system adopted over the opposition of the doctors; in the rare cases when that happens — as in Belgium and Saskatchewan during recent years — the government usually is forced to make changes in subsequent negotiations. The American Medicare statute bears much evidence of caution and a desire to avoid confrontations with the doctors.

There are several concessions that the medical association seeks and usually obtains abroad. It demands and usually succeeds in getting a stipulation that all licensed physicians shall have the right to treat patients under health insurance or to join the health service. Such language appears at the beginning of the American Medicare statute.

In some countries the doctors fear the adoption of payment systems that will restrict their income and freedom, and they usually successfully insist that a traditional form of payment will be used in the official system. For example, fears that their governments would make them salaried employees led the English general practitioners to insist on a fixed payment per patient each year ("capitation fees") while Swedish doctors practicing under national health insurance preserved payment for each act ("fee-for-service"); fears that the government would control their fees by direct payments led the French doctors to press for a reimbursement system, by which the patient pays the doctor and then is repaid by the sick fund. The American Medicare program attempts to avoid involvement in the explosive subject of doctors' pay: bills in earlier years covered only hospitalization and not payment for care by doctors; the bill in 1965 finally

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included the payment of doctors but delegated the compensation formulae to private insurance carriers, which presumably will negotiate agreements acceptable to the doctors. So that doctors' incomes do not decline relative to the rest of the economy, the profession in foreign systems usually obtains some negotiating machinery that regularly reviews and increases fees and salaries.

Lest all medical care be given through the socialized medical system and lest all doctors' incomes be controlled by it, the medical society usually obtains guarantees that every doctor has the right not to join, and that every participant may conduct a part-time private practice. In many European countries, medical associations have induced sick funds to pledge that they will never create polyclinics but will always allow their subscribers to be treated in the doctors' private offices. Also in Europe, the medical associations have secured various formulas to give doctors statuses different from the ordinary employees of the governments: in the British National Health Service and in most of the continental hospitals, the doctor has a contract to give time and services, and thus can still retain the aura of a free professional; the salaried district medical officers who care for the poor and rural inhabitants of Sweden are the only local government functionaries who are technically appointees of the King; hospital specialists in England are classified as "officers" of the Regional Hospital Boards, while all other hospital staff members are employees of local hospital committees; after many years of complaint about the power of the sick funds, the German medical profession obtained a new arrangement whereby the funds would deal only with a collective organization of the entire profession, and this organization alone would pay and discipline individual doctors.

The crucial link

Usually doctors occupy all the jobs where controls can be exerted over other doctors. In the bureaucratized national health services maintained by the Soviet Union and underdeveloped countries, usually all the administrative posts – often including the position of Minister of Health – are occupied by physicians. In national health insurance schemes, the sick funds employ physicians who conduct nearly all the contacts with the doctors treating insured persons. These physicians handle the particularly sensitive task of judging whether certain doctors are doing medically unjustified work in order to earn extra money from the funds, and they alone confer with such miscreants. Instead of identifying themselves with laymen in the government and trade unions, these doctors seem to feel a sense of professional solidarity with the practitioners; for example, during my interviews, the physicians in sick funds and Ministries of Health

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repeatedly referred to the rest of the medical profession as "we" and referred to their fellow officials as "they" or "the government."

The medical association becomes a crucial link between the medical profession and any "socialized" medical system, and it becomes an important element in the administration of the system. In the past, medical associations in most countries were mere pressure groups for the doctors, but they always grew in importance and power after creation of national health insurance or a national health service. Usually, regular consultative meetings are held with the sick funds and with the Ministry of Health. The medical association usually becomes the bargaining agent for the doctors in all questions of pay and working conditions. In England and in some other countries, the national health service establishes committees of doctors to discipline those who violate their contracts, and these committees in practice are branches of the medical association. Doubtless the several advisory committees created by the American Medicare statute will also be filled by representatives of the medical and hospital associations; and the legislative requirement that the Secretary of Health, Education, and Welfare regularly consult with the professional associations will further cement their interlocking relationship with the health insurance structure.

The requirement of responsible participation in a "socialized" medical system has usually transformed the leaderships of medical associations abroad; before such a change, the leaders are militant representatives of the private office practitioners; afterwards, they are replaced by new leaders who are favorable to the new system and who are skilled in negotiation and in administration rather than in the techniques of pressure group warfare. The decision of the American Medical Association convention in 1965 to negotiate with the Johnson Administration for a satisfactory administrative structure, rather than to boycott Medicare, foreshadows a similar taming of the medical association's mutinous impulses in America.

Because of the concessions obtained from the system, "socialized medicine" often works to the benefit of the doctors. Unpaid bills cease. The right of private practice enables many to earn a considerable income from high private fees, in addition to the fees and salaries earned under the official scheme. In most countries, doctors are eager to get this mixture of public and private practice, since their incomes and economic security surpass those of full-time private practitioners. In countries with many doctors and a low-income population, such as Italy and India, few doctors can survive financially without a part-time public appointment. In countries with few doctors and heavy demand, such as Sweden, the medical association can press successfully for high salaries, high fees, and therefore very high incomes. In most of the world, the greatest ambition of a doctor is to

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become a professor of medicine in a public medical school or chief of service in a public hospital; with this certificate of eminence, the physician enjoys high prestige and a large income from private practice. Although the professors and service chiefs are powerful and prosperous everywhere, "socialized medicine" does not always guarantee contentment for other doctors; in countries with many doctors and low national incomes, fees and salaries may be low and doctors are often angry – although they still may earn more money than if "socialized medicine" did not exist.

The limits of lay domination

One of the great fears of American critics of "socialized medicine" is that the doctors will be controlled by laymen and that technical medical problems will be decided by political criteria. Laymen always play an important role in the establishment of national health insurance or of a national health service. Complaints about the distribution, maintenance, or costs of pre-existing private medical services come primarily from the trade unions and from the political parties of the Left. "Socialized medicine" sometimes is enacted by democratic legislatures with the votes of these groups; or it sometimes is decreed by dictatorships either to please these groups or to swing public support from these groups to the dictatorship itself. Once national health insurance or a national health service is adopted, the trade unions and the political parties of the Left remain to criticize any general deficiencies in the services rendered, but the details of daily work almost always are turned over to the doctors and medical administrators. In some countries, the governing committees of health insurance or the health service contain representatives from the trade unions and political parties, but usually these committes meet only occasionally, they are concerned with general policies, and they leave specific matters to their staffs.

In practice, the medical services are insulated from politics because politicians, trade union leaders, and most other pressure group leaders have little interest in medicine and little knowledge of medical services. This is true whether the government is totalitarian, authoritarian, or democratic. A totalitarian government is supposed to try to mobilize all social institutions, but in practice its leaders are preoccupied with matters far removed from medicine, such as foreign policy, industrialization, and the military. Even unusually energetic dictators such as Josef Stalin take notice of the medical services only if there are drastic breakdowns or if too much money is requested during the annual preparation of the national budget.

If any of these programs are induced to make certain decisions on non-medical grounds, it involves the location of hospitals and clinics. Occasionally, influential members of parliaments and of gov-

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erning committees secure facilities for their home communities in order to please their political constituents, when rational planning might locate them elsewhere. But instead of being peculiar to "socialized medicine", the wasteful distribution of facilities can occur in all systems. For example, the United States has many small hospitals that were established from community pride or from a voluntary association's desire to have its own facilities, when economy might have dictated fewer and larger installations arranged according to regional plans.

One might expect considerable political interference with the appointment of doctors to key posts, such as professorships in medical schools and the jobs of chiefs of service in hospitals. And one might expect such pressures to be greatest in totalitarian and authoritarian governments; totalitarian regimes are dedicated to transforming and mobilizing the society, while authoritarian governments distribute the spoils among the ruling cliques. Much less of this occurs than one thinks. Very few doctors belong to totalitarian parties, authoritarian parties, or democratic political machines, and thus few are available for such patronage. For example, the proportion of doctors belonging to the Nazi and Communist Parties was much lower than the membership rates of other occupations, and thus the Nazi and Soviet governments always had to fill the great majority of posts with doctors who cared little about politics. At the early stages of their existence, totalitarian and authoritarian governments often try to install some "more acceptable" doctors in place of professors and chiefs of service who were closely identified with the old regime; but after a few years, such political appointments cease. In most countries, the professors and chiefs of service are screened and selected by committees on which doctors hold most of the seats, and in practice the members resent outside interference from the politicians, from the Church, or from other laymen. (In practice, of course, the factional influences within the medical profession are thereby allowed to replace lay politics in determining selections.) Conforming to this tradition, the American Medicare statute explicitly guarantees that health insurance is a payment mechanism without leverage to affect appointments; in one of the law's several concessions to the doctors and hospital administrators, an introductory clause says that no "Federal officer or employee [shall] exercise any supervision or control . . . over the selection, tenure, or compensation of any officer or employee of any institution, agency, or person providing health services."

There is one type of lay government official who wields considerable authority over "socialized" medical services: he is not a power-hungry ideologue but the humdrum budget officer. Left to their own discretion, doctors would modernize all the hospitals and clinics, increase staffs, order more drugs, charge higher fees, and cause spec-

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tacular increases in costs. Under privately organized medical care, they are inhibited by patients' inability to pay too much. In some wealthy countries, such as the United States, doctors and hospitals are able to give steadily more expensive care because of the population's wealth and because of the steadily increasing premiums that private health insurance schemes can collect from their subscribers. But under national health insurance, mounting costs would require an increase in social security payroll taxes and in Treasury subsidies. Under a national health service, higher medical costs would require higher income and excise taxes. Meanwhile, other government agencies are also seeking more funds. Thus, in the annual battle of the budget, the Treasury men tend to view the doctors as one of many special agencies that are trying to spend too much money on the basis of fancy claims. In order to maintain the fiscal integrity of the social security system, to prevent higher taxes, to prevent national deficits and the decline of the currency in international trade, and to give priority to other expenditures – such as national defense – the budget officers exercise considerable power over the functions of the medical services and over the pay of doctors.

Just as rapidly rising costs are troublesome in private American medical care, so rising costs will doubtless beset Medicare in the future. And just as conflicts between budget officers and the medical services wrack health schemes abroad, so they may torment American Medicare. The potential pressures on the sick funds are obvious: hospital costs are very high and rise steadily because of the lavish use of laboratory tests and drugs, heavy staffing, and numerous amenities for patients; doctors are accustomed to high incomes and freedom in setting their fees. The drafters of the Medicare statute appeared to anticipate trouble: the insurance funds are supposed to pay the "reasonable costs" of hospitalization and the "reasonable charges" for physicians' care; extensive research and negotiation are prescribed to fix the "reasonable costs" of hospitalization; the sensitive problem of deciding what medical fees are "reasonable charges" and can be paid from social security funds is handed over gingerly to the private health insurance carriers who will receive social security money and who will pay the doctors.

But the still vaguely defined system is full of potential conflicts that could be exacerbated by each group's single-minded preoccupation with its own ideas, although – as Holland's experience shows – wisdom and cooperation can avoid trouble. If the less commendable precedent of several other countries is followed, any of the following could occur: the budget officers of the sick funds and the hospitals could fight over payments, with the fiscal officers trying to keep within the resources of the social security taxes and with the hospitals trying to raise their services and salaries; the sick funds and hospitals could

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agree on "reasonable costs" exceeding the resources of the sick funds and could become involved in disputes with the Treasury over the need for supplementary grants from general tax funds; the public agency that pays the private medical insurance carriers for physicians' care might contend that the carriers are not controlling fees sufficiently to keep within the budget, while the carriers and medical societies could claim that some of the ambiguous wording of the statute gives them exclusive power to make such judgments, regardless of the budgetary consequences; the Department of Health, Education, and Welfare might claim that it has the responsibility to protect its insured from overcharging by doctors, while the medical association replies that such bargains are a private matter between doctors and patients.

Doctor and patient

One of the fears of critics of "socialized medicine" is change in doctor-patient relations, particularly by the entry of lay officials into medical questions. Such a possibility worries the medical association in each country, and as a result it insists that "socialized medicine" change pre-existing doctor-patient relations as little as possible. As a result, socialized medicine tends to freeze the pre-existing working conditions of doctors and simply changes the way they are paid. The Medicare statute is even more forceful than other national health insurance laws in drawing the line. Its introductory words say that "Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided."

The sites of doctor-patient contacts that are paid for under the official systems abroad are usually the traditional sites. In most countries – the United States is one of the few exceptions in this respect – general practitioners traditionally do not treat patients in hospitals, and "socialized medicine" simply perpetuates this custom. Where general practitioners customarily have seen patients in their private offices and in the patients' homes (as in most of Europe), the insurance scheme or health service continues to pay for home and office visits; where private insurance funds and the government traditionally provided polyclinics for participating general practitioners (as in Eastern Europe, the U.S.S.R., and many underdeveloped countries), "socialized medicine" builds more polyclinics. Where specialists customarily have seen patients in the hospital (as in England, Holland, or Sweden), the insurance schemes and health services pay the specialists by methods tending to restrict treatment to the inpatient or outpatient facilities of hospitals; where some specialists traditionally worked in hospitals while other specialists had full-time or part-time

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private office practices (as in France and Germany), national health insurance usually pays specialists' fees for both hospital care and office care.

Under all European schemes, the patient may see any general practitioner who will accept him. There are the usual limitations found under private practice: if a doctor is very busy, he will be unable to accept new patients who present no emergencies, and getting an early appointment with a general practitioner is particularly difficult in countries with few physicians, such as Sweden. A few limitations arise out of the organization of certain programs: in order to guarantee that doctors give conscientious care and do not build up long lists of patients for mercenary reasons, England and Holland limit the number of patients for whom a G.P. will be paid under the official system, but any number of other patients may be taken privately; official schemes will not pay for patients who "shop around" among doctors for multiple opinions, although such patients may still enjoy this luxury by paying privately. In those European countries that pay fees to specialists for office visits, the patient may select any specialist of his own choice.

In several important ways, some patients may lack freedom of choice – but this tends to arise from traditional practices. In several countries with national health services – for example, in the U.S.S.R., in Poland, and in the rural areas of underdeveloped countries – all persons living in a district are automatically assigned to a general practitioner appointed for that district. When a patient is hospitalized under national health insurance or under a national health service, he is treated by whichever specialists are assigned by the chief of service, and the patient and general practitioner usually have no say in designating the particular doctor. Similarly, when a patient seeks a specialist's care in the outpatient clinic of a hospital or in a community polyclinic, he must see whatever specialist is on duty at the time of his visit, although some countries allow him to schedule an appointment with a particular member of the duty rota.

The desire for the freedom to choose one's own specialist is one of the principal reasons for the survival of private practice in countries with "socialized medicine." In order to be treated by the chief of service and not by one of his young assistants, the patient must see the chief privately and pay personally. In order to avoid the crowded and unpleasant wards of public hospitals in Latin Europe and in underdeveloped countries, the patient must pay for one of the private rooms in the chief's public hospital or he may enter a private clinic where the chief has admitting privileges. In countries with "socialized medicine," private practice is less common among general practitioners than among specialists, but it survives for similar reasons. If paid privately, a G.P. may accept a patient whom he

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would be unable or unwilling to add to an already long list of insured patients. The private patient will get an appointment sooner and may get from the doctor more time and more emotional support.

The presence of private practice is one of the sources of conflict between the medical profession and the administrators of national health insurance and of national health services. Common accusations of the administrators are that doctors give more time and attention to their private patients, minimize time spent in the hospital and in other official work sites, and divert profitable patients from their public practices into their private practices. These complaints are particularly serious in Latin Europe and in underdeveloped countries, where low national incomes and poor tax collection result in low salaries for the public hospital doctors. Until salaries can be raised, the administrators and the medical association can do little except deplore neglect.

In practice, the sick funds and national health services have little say in the matter of how doctors treat patients. But the budgets of sick funds must be protected against the possibility that a few doctors may do medically unnecessary work for money. Detecting and disciplining such doctors is one of the more controversial problems of national health insurance. The sick funds get bills covering all patients, and statistical records of work norms are calculated. The funds become suspicious of a doctor's practice only if he performs far more acts than do all other physicians, a comparison also commonly made by American private health insurance firms when controlling abuse. Only if a doctor is flagrantly out of line will the sick funds send one of their employed physicians to discuss the problem. Usually the only sanction is a refusal to pay all the doctor's bills, but this is possible only in systems where the funds pay the doctor directly. The patients and the public almost never hear of any disputes between doctors and funds. The European funds no longer re-examine individual patients in order to evaluate a doctor's practice, since the medical association would react explosively, as it did in France during the 1930's.

One of the drawbacks of "socialized medicine" is that it freezes the existing structure of medical institutions and of doctor-patient relations. Improvements can be introduced only with difficulty. For example, the traditional practice of not allowing general practitioners to treat hospital inpatients is made permanent and is extended throughout the country by payment systems that give hospitalization fees or salaries only to members of hospital staffs. The establishment of the National Health Service in England widened this split by creating permanent staffs in numerous hospitals where local G.P.'s had practiced part of each day. Many reformers now urge that G.P.'s continue to see their patients during hospitalization in order to ensure continuity of care and provide the patient with a familiar face, but

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any such change would require revisions of the payment system, appeasement of the hospital specialists, and reorganization of the general practitioners' work schedules. It is equally difficult to modify the system of territorial assignment of general practitioners in Eastern Europe in order to give patients more free choice among doctors, since this would require changes in payment procedure, changes in work schedules, more personnel, better transportation, and more money. Alterations of any large structure usually raise the specter of higher costs and resistance by those doctors who are pleased by the *status quo;* administrators, therefore, usually let sleeping dogs lie.

The quantity and quality of care

National health insurance or a national health service is sought because large social classes cannot afford medical care or because large regions of the country lack medical facilities. The result is always a mixture of successes and disappointments. "Socialized medicine" enables the poor to get medical care more easily, since financial barriers are reduced, but the quantity and quality of care are never altered as much as its creators had hoped.

The biggest difference is visible in underdeveloped countries, where governments build hospitals and clinics in rural areas and in urban slums that never had them before. The Soviet Union is the best example of a formerly underdeveloped country whose extensive medical services could not have been created without government planning and financing. However, adequate nation-wide expansion of a government health service is limited by several factors: underdeveloped countries lack the tax resources to satisfy all needs; few doctors and nurses are willing to work outside the largest cities, and no government is willing or able to force them.

The effects on medical care in the somewhat more developed countries are more modest. Where quality depends on facilities, "socialized medicine" can lead to improvement because of the investment of public funds. In public hands, the hospitals for the poor may be financed far better than if private owners alone paid for buildings and equipment: improved financing was the principal motive for nationalization of private hospitals in Italy and in several other countries in recent centuries. National health insurance funds have built polyclinics in Spain, Italy, and Greece and have allowed participating doctors to see insured patients there, thus giving the doctors access to equipment that they could not afford to buy for their private offices.

In the highly-developed countries, the quality of the private office practitioner's work is affected very little. The sick funds and the Ministries of Health leave the problem of quality primarily to the medical schools, to the profession as a whole, and to the consciences of indi-

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vidual doctors. The medical association would fight any close scrutiny of the work of doctors by these public bodies, which are perceived solely as agencies for the payment of medical care. The quality of office care has probably improved since the introduction of national health insurance and of national health services in Europe – but in large part the change is due to the universal tendency for medicine to improve over time. Perhaps better collection of bills has enabled some doctors to buy equipment that they could not have afforded under completely private conditions. A few sick funds affect the quality of care slightly by paying higher fees for professionally approved as opposed to professionally disapproved procedures; for example, surgical reduction of hernia is paid for under French national health insurance while hand reduction is not covered. A few funds affect quality by refusing to pay for the acts of a specialty, such as surgical operations, unless they are done by a fully qualified specialist. In general, superior performance is not rewarded, except by appointment to the better posts and by referral of many private patients – forms of recognition that occur in all public and private systems. England's National Health Service awards higher salaries to specialists whose distinction is recognized by a committee of doctors, and leading Russian physicians receive medals and extra pay; but otherwise "socialized medicine" is compelled by the medical profession itself not to evaluate and discriminate among its members.

If the quality of medical care is not improved as much as one might expect, the same is true of the quantity. "Socialized medicine" probably reduces the number of people who would otherwise be inhibited by financial considerations from seeking medical care. But comparisons of statistics over time, and some recent surveys, suggest that the increased number of such patients is small. Some recent health surveys in England and elsewhere have turned up a surprising number of people who fail to take their medical problems to freely available health services, because of apathy or ignorance.

Thus, Americans should not expect spectacular increases in the quality and quantity of medical care under the new statute. The language of the law – previously quoted – prevents the government from regulating the quality of care directly (even assuming it were competent to do so), and American doctors are already so well equipped on the average that increased public spending will not materially improve their facilities. Many of the aged are already heavy users of medical care through private payments, private health insurance, and charity. Medicare's principal effects may be economic and psychological: it will enable the aged to spend their money on other things, and it will enable some of the aged to get care without applying as indigents. Among the principal effects of Medicare may be small increases in the incomes of doctors and hospitals, as in the

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case of national health insurance abroad: doctors and hospitals will collect full payment for some aged patients who might otherwise have been charged little or nothing, particularly for long-term care.

"Socialized medicine" through harmonious evolution

After medical care for the aged is included under social security in the United States, probably there will be no immediate pressures for enactment of a more comprehensive national health insurance scheme or a national health service. The trade unions – the principal force behind "socialized medicine" abroad – are, for the most part, satisfied with the private arrangements secured through collective bargaining here. However, a mixture of public and private solutions eventually may be sought for the problems of incomplete benefits, mounting premiums, and unstable financing of the present mélange of private insurance and public assistance programs. Perhaps some form of standardization may develop by voluntary agreement among all these programs, with the use of federal taxation to collect insurance premiums, with legal standards, with federal subsidies, all under a representative council possessing statutory authority. Thus national health insurance may ultimately come to America by evolution – not by government fiat but by the private parties themselves using government procedures and sanctions to carry out their public mission. This pattern occurred in Holland, and the harmony and efficiency of that country's health services recommend it as a model.

Such a harmonious collaboration between government and private health agencies seems far removed from the usual rhetoric about "socialized medicine" in America. But development of such a system already seems well under way in the United States. Despite the occasional political controversies that catch headlines, daily relations between medical organizations and government have long been harmonious in America. And in many activities, government already provides medical services or assists private efforts with subsidies and sanctions. For example, few voluntary hospitals and private medical schools could be constructed today without public grants; most of the funds for clinical research in America come from the federal Treasury; most medical students attend state-supported schools and many of the others are subsidized by government scholarships; the private practice of the health professions depends on government licensure administered by members of the professions; public hospitals owned by municipalities, states, the Veterans' Administration, and the United States Public Health Service relieve the voluntary and proprietary hospitals of much of the heavy burden of caring for the chronically ill and medically indigent. Thus the real issue in America – as in all other countries – is not *whether* government shall play a central role in medical care but *what* that role should be.

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A free market in education

I AM delighted to welcome Christopher Jencks to the company of those who favor the voucher system for distributing governmental funds to finance schooling. The welcome is all the warmer because Mr. Jencks is of the still smaller company of those who recognize that market competition would be far more effective than governmental operation in fostering diversity, experimentation, and improvement in the quality of schooling. As he points out, one great merit of the system of tuition grants is that it would very likely lead to the large scale replacement of governmentally operated schools by non-governmental schools.

In view of Mr. Jencks' perceptive comments on this issue, it is unfortunate and surprising that he failed to mention another major merit of the voucher system – namely, that it would probably lead to a larger total expenditure on schooling. Parents who received the standard tuition grant, which would be equivalent to the amount now spent per child from governmental funds, could, if they wished, purchase higher cost schooling by simply adding the extra sum – for example, if the tuition grant were $500 per child per year, they could send their child to a school costing $600 by simply adding $100 to the grant. At present, the parents who want to send their child to a $600 non-governmental school instead of to the government school in which $500 is being spent on their child can do so – but only by paying the whole $600 in addition to whatever taxes they pay to finance schooling. As a result, they are discouraged from doing so. In the main, only the wealthy, or those who send their children to schools being heavily subsidized in other ways (such as parochial schools) can afford to dispense with the governmental school. Parents' desire to spend additional sums on their children's schooling tend instead to be diverted to frills – dancing or music or judo or tennis lessons. The increased opportunity to use better schools would be particularly important for the ambitious but impecunious parents who could and would be anxious to scrape up a little extra to supplement their tuition grant but cannot afford to dispense with it entirely.

As a community becomes more affluent, people want to spend a larger fraction of their income on the schooling of their children. Under the present system, in which schooling is furnished mainly in schools operated by government and financed directly by government (rather than indirectly by tuition grants to individuals), the only practicable way to spend more is to vote larger public funds. But then the citizen is in the position of voting taxes on himself to finance benefits that will mostly accrue to others. It is a tribute to public spiritedness that spending on schooling has risen as rapidly as it has. Spending would, I predict, rise still more rapidly, and with no great fanfare or need for organized public campaigns, if parents were in a position to spend additional sums without penalty on schooling their own children.

It is ironic, and would be amusing if it were not so serious, that governmental programs fostered on the grounds that the public will not severally spend as much as would, by some generally unspecified criteria, be in the "public interest," should have the effect of making the total amount spent less that it would otherwise be. This has been demonstrated to be the effect of socialized medicine in Britain. It is almost surely the effect of socialized schooling in the U. S.

Milton Friedman

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REVIEW ESSAY

The Negro American

NATHAN GLAZER

THE two issues of *Daedalus* (Fall, 1965 and Winter, 1966) devoted to "The Negro American" provide as excellent a guide to our peculiar problem today as one could reasonably hope for. The two issues contain twenty-six articles, and a lengthy transcript of a conference in which some of them were discussed. The great majority of the participants are, of course, professors; but many of them have played an active role in the civil rights movement and in government, and speak as men of affairs as well as scholars. In addition, there are articles from independent researchers, psychiatrists, and leaders of civil-rights organizations; and there are two articles from high federal officials that were clearly not written by speech writers or research departments, and suggest, intriguingly, that we may have a new type on the American scene, the administrator-scholar-thinker.

These 900 pages do not attempt to be an encyclopedia on the Negro American; they are policy-oriented and future-oriented, and thus certain issues never come up for discussion. One suspects some of these issues may still have more life in them than these 900 pages suggest – for example, the problem of federal power and its limits. I do not think there is one writer or discussant in the large group of contributors who would not agree that the chief role in assuring equality for Negroes must be assumed by the federal government – whether it operates on the economy, the educational system, the system of justice, or what not. They would agree further that, within the Federal system, the chief initiating force must be the executive. Thus, Harold Fleming contributes a valuable article on "The Federal Executive and Civil Rights: 1961-65." In contrast, there are no articles at all on the Congress, or state or local action (though these themes do come up prominently in James Q. Wilson's "The Negro in Politics.") My point is not to fault the remarkable editorial job which resulted in these volumes: it is to use the resulting pattern to point out what, among the foremost thinkers and writers in this field, is no longer thought to be problematic.

Similarly, history seems to be "out." There is only a single relatively brief article by a historian – John Hope Franklin's "The Two Worlds of Race: A Historical View," – and one can detect an interesting shift of emphasis between Daniel P. Moynihan's famous Labor

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Department report on the Negro family, and his article here, "Employment, Income, and the Ordeal of the Negro Family". The shift of emphasis is apparent in the title. In the report, he began with slavery, and the powerful Tannenbaum-Elkins thesis on the impact of slavery on the American Negro, and he ended by proposing that national policies be tested by their impact on the Negro family – by clear implication, these would largely be economic policies. Here, slavery is dropped – the Negro family is presented simply as the "cumulative result of unemployment and low income." Nor does slavery show up anywhere else in the volume. Perhaps the Tannenbaum-Elkins thesis was more attractive than it was sound. Or perhaps, on the contrary, our emphasis on the present may merely reveal a strong desire to ignore social and psychological mechanisms that do not respond to a shift in the unemployment rate.

As to what is critical in the minds of the symposium participants, the transcript offers the best guide. The first major question that comes up is once again, the Negro family – more specifically, what will be the impact on it of economic measures that will provide more jobs and income? No one disagrees that economic measures are critical – the first five articles in the symposium (by Moynihan, St. Clair Drake, Rashi Fein, Philip M. Hauser, and James Tobin) all make this point, and all ask for a tighter labor market. But, Mr. Moynihan and James Q. Wilson ask: – will this do it? The economists, Mr. Tobin and Mr. Fein, are not worried: – a tight labor market and more job opportunities come first, and then we shall see what there is left to do. Mr. Moynihan, on the other hand, is concerned that family dependency is rising even as unemployment falls – are certain social and psychological mechanisms at work that will continue to operate to produce dependency, no matter what the economic improvement? The sociologist Philip Hauser is sure that family planning programs, at least, are also necessary. In his article he writes: "The great increase in non-white birth rates [between 1940 and 1960] represents an astonishing reversal and occurred, interestingly enough, even while the Negro was becoming rapidly urbanized and metropolitanized. . . ."

THE second major issue which comes up in the transcript is that of Negro psychological strength or weakness, of Negro "identity", and some of the most interesting articles in the symposium deal with it in some degree – this is true of the contributions by the psychiatrists Robert Coles and Erik H. Erikson, the social psychologist Tom Pettigrew, and the sociologist Lee Rainwater. The fascinating thing that emerges here is that the clinically-oriented symposiasts, Doctors Coles and Erikson, see greater strength in the Negro family and the Negro personality than those who work from statistics, tests, or even observation. Here Dr. Coles is perhaps most interesting, reporting on the basis of his years of living with Negro children undergoing the strains of integration into Southern all-white schools, with Negro civil rights workers in the most dangerous locations in the South, with

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Negro and white migratory laborers. Dr. Coles emphatically does not see *only* desperation; nor is he satisfied with the grim picture of Negro personality in Kardiner and Ovesey's *Mark of Oppression.* Dr. Erikson is devastating in pointing out that one test used to show the damage to Negro male personality, owing to a higher proportion of female-headed families, demonstrates the greater "femininity" of Negro men because they will answer "yes" more often to such propositions as "I would like to be a singer" and "I think that I feel more intensely than most people do." Mr. Pettigrew, born in the South, is impressed by the fact that the Southern Negro still hopes, whereas the Northern Negro despairs. He is cautious – but suggests one may hope for something positive from the fact that the Southern white and Southern Negro share many elements of a common culture: "These advantages have tempted Southern liberals, Negro and white, to speculate about the possibility that the South will take the giant step from formal desegregation to informal integration with greater ease and alacrity than the North."

Dr. Coles is even stronger: "About a year ago a group of us – lawyers, educators, doctors – were asked by some students active in the civil rights movements to interview about thirty of the men, women, and children with whom they had lived and for whom (and many others, too) they struggled to organize voter registration efforts, freedom schools, or health-education clinics. One after another we heard those fellow-citizens recite the terrible facts of their lives as Negroes in the deep South. We heard those facts, but we also observed the remarkable self-possession of the witnesses, the composure which accompanied their testimony. We felt their considerable vitality and robust humor. . . . One of us remarked that he wished his children had the vigor, wit and spontaneity of the children from Mississippi. . . . It was no mere condescension at work among us. . . .

". . . I feel that the privation, the domination and oppression of the Negro in this country have been all of a special kind. . . . In addition to holding the Negro first as a slave, then isolated legally and socially, we have also lived side-by-side with him, blended our blood and skin with his, shared our homes and names with him, entrusted our children to him, and in the South, scene of his longest and most dismal affliction, nevertheless and coincidentally joined him in poverty and suffering, given him food and clothing and even affection. It may not be very easy these days to consider the kindness and warmth of many white Southerners toward Negroes as anything but condescension or a peculiar refinement of an exploitative social and economic system. Nevertheless, for many years such living habits, and particularly the emotional climate that accompanied them, have constituted a very definite psychological inheritance for millions of Negro people. . . ."

Dr. Coles also describes how he argued through the night in a shack in Mississippi with civil rights workers over the advisability of airing such astonishing views. "We all agreed that our very presence in Mississippi spoke for itself. . . ."

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If Dr. Coles focuses on a possible source of unexpected strength, Lee Rainwater's research in a St. Louis housing project has led him to emphasize a not unexpected weakness. The picture drawn is, if anything, more unrelievedly grim than that of Claude Brown in *Manchild in the Promised Land.* In the St. Louis housing project no religion is left, no humor, and no one escapes. The only sources of money and goods, it appears are in the women – whether as AFDC recipients, mothers with a claim to housing project apartments, or prostitutes – and the main route of access to money, food, and shelter for the men is getting on the good side of the women; or, as Mr. Rainwater puts it, "the male role models around boys are ones which emphasize expressive, affectional techniques for making one's way in the world."

Mr. Rainwater must face a moral problem in reporting his findings, just as Mr. Coles faced one in reporting his. He must wonder whether his story arouses compassion and the desire to improve matters, or simply repulsion, and the reaction: "it's their own fault." This concern is human and understandable. Is it in an attempt to defend himself against Negro criticism that he indulges in a really ferocious attack on white and black businessmen, policemen, and teachers of the ghetto? Thus:

"The white caste maintains a cadre of whites whose special responsibility is to enforce the system in brutal or refined ways (the Klan, the rural sheriff, the metropolitan police, the businessman who specializes in a Negro clientele, the Board of Education). Increasingly, whites recruit to this cadre middle-class Negroes who can soften awareness of victimization by their protective coloration. . . . The system is quite homologous to the Gestapo and concentration camps of Nazi Germany, though less fatal to its victims." One wonders how a social scientist justifies such rhetoric.

THE third major issue that comes up in the transcript is the question: are the Negroes an immigrant group? From which there flows other questions. May we expect them to follow a course of "assimilation" similar to that experienced by European immigrants to this country? Are their problems comparable – more serious in degree, but not in kind? Or has the American treatment of the Negro been so unique that the immigrant groups and their experiences form no useful parallel?

Talcott Parsons sees the Negro as different, but not essentially so. Each group raises a variant form of the same problem: how shall it be included in American society?–but in any case, Professor Parsons finds the comparison enlightening. So too does Oscar Handlin and Mr. Moynihan. The historian C. Vann Woodward does not see how one can make the comparison; the Negroes are the oldest group in the country, aside from the American Indian; they are not immigrant; they are tied up with the central content of American history in a way the European immigrants are not. Philip Hauser then argues that, from the perspective of the Northern and Western city dweller,

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the Negro is new regardless of what happened in the South in decades and centuries past. Mr. Woodward rejoins that he does not want to divorce what happened to the Negro in the North from what happened to the South – racism is American, not Southern. But then the question is raised: if racism is uniquely the curse of the Negro, what about the Chinese and the Japanese? Here were groups with a racial stigma, but it was lifted. Once again the example is of interest to the sociologists – it makes the Negroes part of an experiential series. The Jews and Italians are also trotted out, to throw light on the question of what kind of inferiority do inferior groups bear (the Italians were very much a race sixty years ago, points out Mr. Handlin), and how is the stigma lifted? Here is one part of the discussion:

Moynihan: One fascinating thing is that the proportion of Chinese and Japanese with no education – zero years – is ten times the proportion of white people with no education. And that exact same set of people . . . had more than twice the proportion of their population in college or graduate school as had whites, had twice the proportion of their population employed in professional capacities. . . .

I do not know what the truth is, but I have the impression that twenty-five years ago these people were colored. . . . Am I wrong that they have ceased to be colored? They are Japanese; but if daughter brings home a Japanese, father is more likely to see the high energy physicist than the Japanese. In any event, I think that having solved the class problem, we have solved the color problem.

Geertz (Clifford): It is just as easy to argue that they never had the stigma, despite the formal oppression.

Hughes (Everett C.): I happened to have been interested in the Orientals in the twenties. Their marriages were not broken up. They were in business. There was a stigma, but they were in college just the same. And they were not in juvenile court.

Handlin: Yes, but the stigma was there. The resistance to intermarriage was strong. The barriers to social contact were formidable.

Unidentified: They were different, though.

Pettigrew: The Chinese and the Japanese were never slaves.

Geertz: That is right. It is not the same.

Handlin: The exact same points were made about the Chinese. They were excluded in 1882 because they were coolies – unfree. . . .

and so on.

THE fourth major theme in the discussion is the problem of government action to achieve equality. A number of issues emerge here: Paul A. Freund, of the Harvard Law School, describes some of the complexities of moving from color-blindness – ignoring color in legislative and administrative and judicial action – to positive action for

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equality, in which color must be taken into account. May a state be required to undertake a color-conscious policy to redress the grievances of the past? The problem is expanded in the discussion of Mr. Wilson's paper, which is devoted to the prospects of an alliance between the civil rights movement and labor and liberal voters. He sees no opportunity for a general, across-the-board alliance. The main support of the Negro in the South is the cosmopolitan businessman. In the North, on some issues (e.g., the provision of local services through higher taxes and heavier bond issues) the Negro will find more support in the upper-middle class than in the lower-middle class and working class. And in general he will find rather different groups will defend his push for *liberty* than will defend his push for *equality*.

Professor Parsons, leaning on S. M. Lipset's *The First New Nation,* also argues that liberty and equality have been in tension in American society; as the Negro moves from liberty to equality, old alliances break up, and grave new issues are raised. The shift from liberty to equality is a particular challenge to administrative action, i.e., trying to enforce equality in government services. Here the reader is treated to some highly competent and, indeed, razzle-dazzle discussion, as the Washington professionals (Eugene Foley, formerly administrator of the Small Business Administration, Harold C. Fleming of the Potomac Institute, Wiley Branton, Special Assistant to the Attorney General, and others) throw questions and answers back and forth, revealing the awesome powers that the Federal government can swing to require equal treatment. And Mr. Wilson is somewhat alarmed. "Our government exists to serve many values, including integration. I have a feeling that, in our enthusiasm for how the federal government's powers may be used by vigorous administrators who seek certain objectives, we are overlooking the really profound questions of administrative law, fact determination, the rule of law, due process, and so on . . .We say that integration is so important that we will pull loans or we will stop this and that, but these are not the principles we conventionally apply to the government's activities when it is reaching into other areas of our life." Power is a double-edged sword, Max Lerner comments, we knew that in the New Deal, and it must still be grasped. And the civil rights workers in the South, comments Dr. Coles, combine their suspicion of the federal government with the insistence that it profit them. They, too, just as conservatives do, take a mixed view of federal power. But on the whole, the symposiasts are not concerned about the problem of the limits of government action; perhaps they are reassured by the knowledge they are calling it into action to advance liberty and equality – and under these guiding principles, can any real hazard follow?

Mr. Foley, in the course of his work as administrator of SBA conducted a study in depth of Negro business in Philadelphia, and this is certainly one of the very best articles in the symposium. It offers a deeper insight into achieving equality in one area than a good deal of general discussion. His study contradicts many of the easy interpretations of the poor Negro representation in business – for example,

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they can't get credit (neither do the other small businessmen of Philadelphia, reports Mr. Foley), or that there are no longer opportunities in small business. This is a terribly hard look at the facts – it shows how Negroes were driven out of business in Philadelphia in large measure by White European immigrants appealing to racism, and how they are kept out in large measure by their entrepreneurial inadequacies. Mr. Foley sees his job as getting them back in with government resources, and I don't see how anyone could do better at it.

THE final theme is that of integration, and the chief papers are those of the sociologist G. Franklin Edwards of Howard, of John B. Turner and Whitney M. Young, Jr., and Oscar Handlin. Perhaps alone among the Negro participants, Professor Edwards emphasizes that it will take a long time before inequalities in education, in occupation, in family structure, are reduced to the point where one can say that the Negro is "integrated" into American society. Professor Handlin raises what appears to be (from the transcript) the sharpest storm by attacking a view of integration that sets as a goal the distribution of Negroes randomly through all the positions of society. Specifically, this means that to him the question of desegregating schools and housing is less important than getting better schools and housing; emphasizing the first will antagonize allies in getting the latter. To some of the participants it appears as if Mr. Handlin is arguing for segregation. He is, of course, actually arguing that under the freest circumstances some nodes of group concentration will exist – in occupation, in housing, in education; the attempt to create full homogenization is self-defeating and unnecessary. The issue of integration takes us from questions of immediate tactics – what to do in the New York schools – on the one hand, to the largest questions of the shape of American society on the other. It gets tied up with such questions as: Will there be a Negro community? If there is, on what basis? Is there a Negro culture?

On the basis of my own observation of reactions to these questions, I conclude that perhaps it is best to leave them under wraps for the present. If whites say, "Of course there is a Negro community, or culture," then they are under suspicion of justifying some degree of segregation or incomplete integration – though they may only be concerned with defending the rights of Jews or Catholics – and Negroes, too – to separate schools or distinctive institutions, if they want them. If, in examining the content of this Negro culture, they insist on the *Americanness* of the Negro, on the relative unimportance of African origins in concrete life, except insofar as Africa may play a symbolic role, then they are charged with denying that Negroes have a culture. I have said both, and have been charged with both. Yet both are true. Ralph Ellison, in his contribution to this discussion, develops what is to my mind the most subtle blending of these two positions – yes, the Negro is American and not African, and yes, there is a Negro culture. I agree with him, but the matter is so com-

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plex that I quite understand that he would take my similar writings in a different spirit. Thus Ralph Ellison can say – and I admire him for it – that whatever happened to the Negro in America, something of value was produced, and is worth preserving, and it is American and Negro. It is understandable that when a white man says it, he may fall under suspicion – just as a Jew can say things about Jews that a non-Jew should not. Thus when Mr. Handlin says there is no white America – there are many Americas, and we want the Negro to join, but to understand there are many Americas – Mr. Berry retorts, "I don't know whether Mr. Handlin is arguing for segregation, apologizing for segregation, or recommending it."

Some Negro leaders obviously do act as if there is nothing in the Negro American experience to defend, nothing to protect, nothing to value – and this does frighten some of those groups of whites who have erected part of their lives on another basis. But Mr. Handlin is convinced it is not premature to discuss these questions. The wrong issues, he believes, are being raised in the North; and developments within the Negro community that are necessary – the development of independent institutions above all – are being hampered by a too exclusive concentration on the separateness of Negro social life, not all of which is invidious or damaging. But this is a hard argument for any but a Negro to make, since so much of this separateness is invidious and damaging.

Indeed, this whole symposium can be read as an exercise in what one can say, and who can say what, about the Negro American. It is simply a reality of the present situation that every writer must consider this question, and we have seen the different styles of Dr. Coles, Professor Rainwater, and Professor Handlin, in handling it. But there is no way out of the problem now: words, ideas, even facts, are weapons, and we have to weigh their use. As someone who writes on these matters, and who is only on occasion surprised by the ideas and facts in this symposium (even though they are the best and newest we have) it is this strategy of reporting and of disclosure which is perhaps the most intriguing aspect of these two volumes.

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CURRENT READING

Beyond Liberalism?

It's a tiny little book (117 pages, 4" x 7½"), elegantly printed but deprived by the publisher (Beacon Press) of the conventional book jacket, and with a somewhat mystifying title: *A Critique of Pure Tolerance.* None of the major book review media has paid any attention to it. But it is finding a constituency of its own on the campuses, especially among "politically advanced" students; and it may turn out to be a book of considerable influence and significance. For the three essays in it, all by respected professors, are not only affirmations of a radical politics but of an *anti-liberal* politics. And that is something new.

Up until now, the new radicalism in the United States has largely been, ideologically, a species of extreme or "militant" liberalism. That is to say, the critique of American politics and of American society has centred on their failure to live up to their official liberal values. "Hypocrisy" has been the cardinal sin; "true" liberty and "true" equality have been the asserted goals. Even those who call themselves "democratic socialists" have conceived of democratic socialism as a logical extension of – not a repudiation of – liberalism. But one rather suspected that, beyond this militancy, inarticulate yet passionate, there has lurked a mute commitment to something other than liberal values. Now, *A Critique of Pure Tolerance* presents itself as the candid left-wing manifesto of the 1960's. Out of the shadows of liberalism, at last, a kind of post-socialist "radical humanism" is emerging. Its "humanism" is self-ascribed; of its radicalism there can be no doubt.

One reads the three essays that constitute this book from left to farthest left. The first, by Robert Wolff (of Columbia's philosophy department), is a thoughtful and, on the whole, temperate rejection of the Great Society as being incompatible, in principle, with the good society. This rejection takes the form of a critique of the philosophy of "pluralist democracy" – i.e., the view of democracy in general, and of American liberal democracy in particular, as being based on the free tolerated competition, and ultimate pacific reconciliation, of various interest groups. Mr. Wolff has some fashionable-erroneous notions about American politics: a reading of V. O. Key's posthumous *The Responsible Electorate* (Harvard University Press) should – but, one is certain, wouldn't – disabuse him of the notion that presidential elections are "a ritual in which voters select a president whom they have not nominated to decide issues which have not even been discussed on the basis of facts which cannot be published." But he nevertheless does point to a genuine dilemma: the seeming theoretical impossibility and notorious practical difficulty of a concern for the common good being the resultant of partisan interest-group pressures

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from all sides. Such pressures might temporarily solve the problem of distributive justice ("fair shares"); but fair shares for all need not add up to a decent and desirable whole. This is a classical issue in political philosophy; Plato's *Republic* is entirely about it (see especially his discussion of the "city of pigs"); it is at the heart of the Federalist Papers; and one must always be grateful to a thinker who raises it again in a serious way. The only question one would direct to Mr. Wolff is: what makes him so certain that the American people in fact *do* see their society as merely "a battleground of competing groups," or that they possess no "ideal of society more exalted than the mere acceptance of opposed interests and diverse customs". True, most American political scientists fit this description, but they are only a small portion of the American people.

The second essay, by Barrington Moore (of Harvard's Russian Research Center) attacks the idea of tolerance in the name of scientific knowledge. This would seem to be a paradox; it's merely a mistake. Mr. Moore is under the impression that scientific truth – including, of course, social scientific truth – is something produced by the correct use of "scientific method"; and that, this being the case, there is no need to tolerate "unscientific" error. What Mr. Moore appears not to recognize is the crucial role of the scientific community in "establishing" what scientific truths are acceptable, and the necessity of tolerance if such a scientific establishment is not to become the incarnation of a repressive orthodoxy. Like Mr. Wolff, Mr. Moore is too much concerned about the creation of an ideology from which the "common good" (in this case, a common truth) can be *deduced,* and too little aware of the potential role of institutions and of people in *mediating* human activity toward a common good (or truth) that is none the less real for not being of the kind that can be summed up in the propositions of a manifesto. One suspects, however, that the readers of this book will be less interested in all this than in the promise Mr. Moore holds out that social science will (or should) produce an objective, scientific "calculus of revolutionary violence," which will enable radicals to determine just how much blood it is justifiable to spill in order to create a new social order. From Mr. Moore's astonishing assertion that Robespierre was "a political trimmer," and that "the main victims of (French) revolutionary terror were in plain fact enemies of the revolution," one may confidently expect this calculus to be of the integral rather than differential order.

The third essay, by Herbert Marcuse (formerly of Brandeis, now at the University of California), is the high point of the book – it is, really, what the book has been leading up to all along. Mr. Marcuse is an aging Hegelian-Marxist, of German origin, whose angry detestation of American civilization is matched only by his vast ignorance of it. Nevertheless, and implausibly enough, he has managed to attain a unique position of eminence in the American radical pantheon: a kind of orphic sage who is always on hand to explain why it is right – ultimately, historically, philosophically, and sometimes incomprehensibly right – for radicals to do wrong things.

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There is at first sight, one must admit, a pleasing nostalgia that suffuses Mr. Marcuse's thought. He is an unregenerate revolutionary socialist who believes that "it is the task and duty of the intellectual to recall and preserve historical possibilities which seem to have become utopian possibilities." One could think of other tasks and duties that might seem more pressing; but if Mr. Marcuse wishes to dwell in the past and in the abstract, one cannot reasonably object. Only he doesn't – not really, indeed not at all. His "utopianism" has nothing elegaic about it; the "historical possibilities" that Mr. Marcuse would, in fact, have us contemplate are – Mao and Castro.

If one penetrates the thickets of Mr. Marcuse's Hegelian terminology, one discovers a clear message that can be summed up in the familiar Hegelian triad: –

Thesis: Our society isn't truly tolerant, but is a species of "totalitarian democracy" (his phrase!) which tolerates only those opinions and activities – including apparent dissenting opinions and activities – that sustain the status quo. The essential intolerance of this society is revealed by the fact that it will not tolerate revolutionary violence against it. Any radicalism that stops short of violence must, of necessity, strengthen the status quo by inducing people to believe that fundamental change is possible within the "rules of the game" as now officially prescribed.

Antithesis: The only "real" tolerance is a *partisan* tolerance that is intolerant toward those who are preventing the future from being born according to accredited Hegelian-Marxist principles. In Mr. Marcuse's own words: ". . . This tolerance cannot be indiscriminate and equal with respect to the contents of expression, neither in word nor in deed; it cannot protect false words and wrong deeds which demonstrate that they contradict and counteract the possibilities of liberation. Such indiscriminate tolerance is justified in harmless debates, in conversation, in academic discussion; it is indispensable in the scientific enterprise, in religion. But society cannot be indiscriminate where the pacification of existence, where freedom and happiness themselves are at stake: here, certain things cannot be said, certain ideas cannot be expressed, certain policies cannot be proposed, certain behavior cannot be permitted without making tolerance an instrument for the continuation of servitude." If Marcuse's academic colleagues feel some gratitude for the exemption of "academic discussion," this gratitude will be tempered by the discovery, later on, that "the restoration of freedom of thought may necessitate new and rigid restriction on teachings and practices in the educational institutions. . . ."

Synthesis: The intolerance of "real" tolerance will eventually result, after the revolution, in a new social order, and a new species of humanity, in which the dialectic of tolerance-intolerance will itself have been transcended, since everyone will then, by God, think what they ought to think.

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The publication of this book raises all sorts of interesting questions that – despite Mr. Marcuse – one hopes will be freely discussed in political philosophy seminars. But there is one tantalizing question that is not so academic. If this book had been composed by three right-wing thinkers – and it might easily have been, since they could have used practically all the same arguments! – would the review media have been so blandly inattentive and, more important, would the academic community have remained so indulgently and discreetly silent?

Is Social Work on the Wrong Track?

The fundamental revolution in social work over the past decades has been the movement away from "charity" and toward "therapy" – away from doing things *for* people and toward doing things *to* people. The causes of this revolution, like the causes of any revolution, are too numerous to disentangle and weigh. But among them, clearly, were the following: (1) a humane and egalitarian revulsion against what appeared to be the inherently patronising attitude of organized charities; (2) the availability of psychological and psychoanalytical techniques, both analytical and therapeutic, that offered the prospect of effecting a cure, as against merely alleviating symptoms – the recipients of social work would not simply be helped along but would, it was hoped, be put in a position to help themselves along; and (3) the fact that the new approach created a *profession* of social work – one requiring long and extensive training, after which professional status and professional rewards could be legitimately claimed – unquestionably commended it to social workers.

But was this revolution a success? This is precisely the kind of question that hardly ever gets asked (who is there to ask it?), and so it is not surprising that only now do we have the first scrupulous, empirical investigation of the matter. It is called *Girls at Vocational High,* authored by Henry J. Meyer (University of Michigan), Edgar F. Borgatta (Wisconsin) and Wyatt C. Jones (Columbia), and published by the Russell Sage Foundation.

The study took the following form: "Over the course of four years girls with potential problems who entered a vocational high school in New York were identified from information available to the school. From this pool of students a random sample of cases was referred to an agency where they were offered casework or group counselling services by professional social workers. A control group was also selected at random from the same pool of potential problem cases in order that a comparison could be made between girls who received service and similar girls who did not."

The results were unequivocal: "*The impact of the preventive effort, if any, was minor.*" On all the indices employed – dropping out of school, academic performance, truancy, getting pregnant, etc. – the valiant efforts of the social workers had no noticeable effect.

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The authors are not muckrakers – they are themselves deeply involved with the social work profession – and they present their findings in the most cautious and conciliatory way. But they do suggest that perhaps "the diagnosis and management of environments" might produce better results than the diagnosis and management of individuals through the prevalent case work method. And at one point they go so far as to say flatly: "The findings will cause many to reexamine their assumptions, expectations, and requirements concerning activities variously designated as school social work, school psychology, counselling, and the like." This is the only utopian statement in an otherwise admirably realistic book.

The Racial Picture in the Armed Forces

On July 28, 1948, President Truman issued an executive order abolishing racial segregation in the armed forces. By the middle 1950's, this policy was an accomplished fact. How this was accomplished and the subsequent role of the Negro in the armed forces are the subject of a paper by Charles C. Moskos, Jr. of the University of Michigan prepared for an Inter-University seminar and published by the Center for Organization Studies of the University of Chicago.

Between the two world wars, the Army not only was segregated, it adopted a Negro quota – between 9 and 10 percent – to keep the number of Negroes in the Army proportionate to the total population. Never in the pre-World War II period, however, did the number of Negroes approach this quota. On the eve of Pearl Harbor, Negroes constituted 5.9 percent of the Army. During World War II, despite the large influx of Negroes, at no time did they exceed 9 percent of total personnel. A report by an Army board in 1945 argued for maintenance of the segregation and quota system and recommended, in the light of World War II experience, that Negroes be assigned exclusively to support rather than combat units. Another Army report in 1950 made the same recommendations. Both reports placed heavy stress on disciplinary problems resulting from the disproportionate number of Negroes in the lower mental and aptitude classification levels. In 1950, for example, 60 percent of the Negroes were in the Army's lowest categories compared with 29 percent of the white soldiers.

The Truman desegregation order, however, was not resisted. In 1950, the Army abolished the quota system and was beginning to integrate when the Korean war broke out. The Korean war hastened the process of integration. The mounting need, in the field, for combat soldiers resulted in many instances in *ad hoc* integration. More importantly, as against the poor combat records of previous all-Negro units, within integrated units the combat abilities and performance of the Negroes differed little from whites. Concurrently with events in Korea, integration was introduced in all training camps in the U.S., and by 1955 the remnants of Army Jim Crow had completely disappeared.

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One Negro writer who served in the segregated Army and now has two sons in the integrated military has suggested that what Negro soldiers in all-colored units had felt to be racial discrimination was sometimes little more than the common treatment of low-ranking enlisted personnel by the officers. As Moskos says, "In fact the analogy between enlisted men *vis-à-vis* officers in the military, and Negroes *vis-à-vis* whites in the larger society has often been noted." And the writer goes on to note that in many ways the enlisted men's behavior is often similar to many of the stereotypes commonly associated with the Negroes, e.g., laziness, boisterousness, emphasis on sexual prowess, consciously acting stupid, obsequiousness in front of superiors combined with ridicule of absent superiors, etc. In effect, putting the white male in a subordinate position within a caste-like system appears to produce behavior not unlike the so-called personality traits which are held to be the unique product of the cultural history of the Negro. As Moskos notes, somewhat wryly, there was relatively little adjustment needed on the part of the command structure when Negroes were integrated because of "the standard treatment — 'like Negroes' in a sense — accorded to *all* lower-ranking personnel".

Before the step-up in the Vietnam war, in 1962 and 1964, Negroes constituted 8.2 and 9 percent of the combined armed forces, as against the 12 percent which represents the Negro proportion of the total population. Because of the draft, however, *among those eligible* a higher proportion of Negroes than whites enter the Army. In 1962, for example, 56.1 percent of Negroes did not pass pre-induction mental examinations given to draftees — almost four times the percentage of whites who failed these same tests. But of those eligible, a relatively low number of Negroes obtain student or occupational deferments; and despite the larger number of Negroes who fail to meet induction standards, Army statistics for 1960 through 1965 show that Negroes constituted about 15 percent of those drafted.

Despite off-base incidents, the Army is overwhelmingly regarded as being more racially egalitarian than civilian life. Of a sample of Negroes polled (in 1965), 84 percent said there was more racial equality in the military life. 13 percent said there was no difference, and 3 percent said there was more racial equality in civilian life.

Negroes are still disproportionately underrepresented in the higher ranks. The ratio of Negro to white officers is roughly 1 to 30 in the Army, 1 to 70 in the Air Force, 1 to 250 in the Marine Corps, and 1 to 300 in the Navy. In the lower non-commissioned ranks, however, especially in the Army, Negroes have a higher share (e.g. 17.4 percent of all E-5 sergeants are Negro) than their proportion in the country.

The basic change in the position of the Negro in the Army is the fact that he is now overwhelmingly put into combat position — a fact that derives from the changed technical character of military logistics. The proportion of all soldiers in combat arms dropped, from 1945 to 1962, from 44.5 percent to 26.0 percent. But the Negro, because of his lower educational attainments, is less able than the

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white to fill these newer staff and support positions. The table below graphically presents the change.

Category	*1945*	*1962*
Percent of Total Personnel in Combat Arms	44.5	26.0
Percent of Total White Personnel in Comabt Arms	48.2	24.9
Negroes as percent of Total Personnel	10.5	12.2
Percent of Total Negro Personnel in Combat Arms	12.1	33.4

In effect, although the percentage of Negro enlisted men in the Army increased only slightly between 1945 and 1962, the likelihood of a Negro serving in a combat arm in 1962 was more than three times greater than at the end of World War II.

Despite this shift, voluntary service in the Army has become a major avenue of career mobility for many Negroes. In all four services, and especially in the Army, there is some overrepresentation of Negroes at the Junior Non-Commissioned Officer (NCO) level. These disproportions imply a higher than average reenlistment rate, since these grades are not normally attained until after a second enlistment. In 1965, for all four services, the Negro reenlistment rate is approximately twice that of white servicemen. In fact about half of all first-term Negro servicemen chose to remain in the armed forces. Because of this, the military establishment is undergoing a significant change in its NCO core. The expansion of the armed forces arising from the war in Vietnam and the resultant opening up of "rank", especially of sergeant major and master sergeant, will accelerate this development.

The Negro soldier has become a target for many in the civil rights and anti-war movement and these groups have sometimes claimed that the Negro does not want to fight "whitey's war." "Up to now at least," reports Mr. Moskos, (the "now" is January, 1966), "efforts to test the loyalty of Negro soldiers have not met with success. This writer, as well as others," he says, "detected no difference in white or Negro combat performance in Vietnam. Similarly, in an interview with a Negro reporter, the commandant of 'rebel' forces in Santo Domingo stated that to his dismay Negro American soldiers fought no differently than whites." Among Negro soldiers in the lower enlisted ranks, however, Mr. Moskos admits, "there is a somewhat greater disenchantment compared to whites as to the merits of America's current military adventures. Such unease, nevertheless, has little effect on military performance, especially in the actual combat situation."

The greater likelihood, speculates Mr. Moskos, is that the military experience may contribute to an activist posture on the part of

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Negro servicemen returning to civilian life. Where Negroes are threatened by physical force, the organizational skills and techniques of violence acquired in military service may be a new factor in the Negro's quest for equality. (The ten founders of the Deacons for Defense and Justice, a para-military group organized by Negroes in 1964 to counter Ku Klux Klan terrorism, were all veterans of World War II and Korea.) It is after "participation in the racially egalitarian military establishment [that] the Negro ex-serviceman . . . may be less willing to accommodate himself to second-class citizenship," Mr. Moskos concludes.

Technology and Change

The National Commission on Technology, Automation and Economic Progress was set up to deal with one problem, and in its final report it dealt substantially with many different issues. This may be one reason (see Daniel Bell's "Comment", in this issue) why the Administration has shied away from popularizing its findings. Yet the report, *Technology and the American Economy,* and the accompanying 25 or so research reports, constitute the most comprehensive assessment of the structure of the American economy (though not of the structure of control or of power) since the reports of the National Security Resources Board (e.g. "Technological Trends and National Policy") and the T.N.E.C. before World War II.

Behind the creation of the Commission was an argument that had wracked the economists for more than five years: whether the continuing high unemployment rate was due to "structural changes" or a "manpower revolution" in the American economy, deriving from the advances of automation (or "cybernation," as a particular group has called the phenomenon) or whether the unemployment was due to a failure in "aggregate demand" (in effect, a slowed-down economic growth rate) and curable, therefore, by government fiscal measures — either a tax cut or increased spending.

By the time the Commission reported, that issue had become "academic." It was clear, as unemployment finally dipped below the 4 percent mark, that so-called unemployables would find jobs, if there were a sufficient demand. Lack of education is not a cause of unemployment. It determines *when* a man will get a job. As the Commission pictured it: the labor market is a gigantic "shape-up" with members of the labor force queued in order of relative attractiveness. The total number of employed and unemployed depends primarily on the general state of economic activity.

But it was not experience alone that settled the argument. Any economic consequence of accelerated automation is reflected, crude though the measure is, in annual increases in productivity measured in output per man-hour. The statistics do not uphold the thesis that a veritable technological revolution has occurred. From 1910 to 1945, output per man hour in the private economy rose at a trend rate of 2 percent a year (but this also included the depression decade

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of the 1930s). Between 1947 and 1965 productivity *in the private economy* rose at a trend of 3.2 percent a year. If government employment (whose services are not valued in the market) is included, the figure is 2.8 percent. If agriculture is excluded, the rate is but 2.5 percent. Nor does it seem likely, given the present diffusion rate of technology that the productivity trend rate will rise substantially higher than at present. The argument, certainly the extreme view expressed by the Ad Hoc Committee on the Triple Revolution, that the United States is on the verge of a glut of productivity sufficient to make our notion of "gainful employment" obsolete, was rejected.

Yet the Commission did make detailed proposals in social policy — guaranteed income maintenance for the poor; a scheme that the government become the "employer of last resort" for hard-core unemployed — which seemingly belied its caution. The explanation is a simple one. While the Commission rejected the idea that automation or accelerated technology was the cause — or would be the cause — of wholesale job displacements, it still felt that, as a general fact, unemployment would still be a troublesome problem. The crucial argument of the Commission lay in the following conclusion:

> We do not expect output per man-hour in the whole — private *and* public — economy to rise during the next decade at a rate substantially faster than the 2.8 percent a year characteristic of the postwar period. . . . The labor force [however] will increase approximately 1.9 percent a year during the next 5 years and almost as fast in the following 10 or 15 years. . . . *It follows that the output of the economy — and the aggregate demand to buy it — must grow in excess of 4 percent a year just to prevent the unemployment rate from rising and even faster if the unemployment is to fall further, as we believe it should. Yet our economy has seldom, if ever, grown at a rate faster than 3.5 percent for any extended length of time.* We have no cause for complacency. . . . The Nation should not be lulled into forgetfulness by a short-run need for increased defense expenditures. (Italics added.)

Why the American economy has not been able to grow 4 percent a year over any period of time is a question which the Commission did not explore publicly. Privately, some members felt that underconsumption, or disproportions between sectors of the economy, were indigenous features of the institutional structure of the society; others felt that, at present levels of consumption, such growth rates could not be achieved without inflation. An open debate on this question would have done much to explore the basic issues of economic policy that, following the war in Viet-nam, will confront the United States.

The Pace of Technological Change

The phrase that "the rate of change today is accelerating" has become a form of obscurantism. Writers who use that phrase are

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employing mathematical terms – *rate* and *acceleration* – for which there are no referents. A rate is a measure between endpoints. But in the present discussions, such endpoints are lacking. For example, one can measure the rate of increase in the number of patents, as constituting a measure of the rate of invention. But patent measurements vary by industry, by the age of the industry, and by the output and investment in an industry. It is a slim reed. One can talk, as does Derek se Solla Price, of the increase in the number of scientific articles, but clearly there is little way of drawing from this any conclusion regarding economic consequence. If one takes "key inventions," it is beyond our knowledge, as the National Commission on Technology puts it, "to know whether the computer, nuclear power and molecular biology are quantitatively or qualitatively more 'revolutionary' than the telephone, electric power and bacteriology." In effect, there appears to be no direct method of measuring the rate of technological change through the number of significant innovations or their economic effects. Necessarily, one has to use indirect measures.

The gross measures available are the indexes of productivity in terms of output per man-hour. (More refined methods allow for measures of organizational change – e.g., productivity because of better methods, such as linear programming – or for capital-embodied changes.) Sometimes changes in productivity are cited in such a fashion as to produce some visible shock or apprehension. Thus one writer recently produced the stupendous news that the automobile industry in 1964 had produced the same number of vehicles as in 1955 with about one-sixth fewer workers. This would mean that over ten years there was a 16 percent increase in productivity – or about 1.6 percent a year, which is quite low indeed. After all, the simple idea of increasing productivity, as a means of increasing wealth, is that each year one should produce more output with the same or fewer number of workers – and to make up the difference with increased demand.

Depending upon the degree of refinement, one can say that productivity in the American economy has moved from roughly 2 percent a year before World War II to between 2.5 and 3 percent since the end of the war. Yet one should note that growth at 2 percent a year doubles in 36 years; growth at 2.5 percent a year doubles in 28 years; growth at 3 percent a year doubles in about 24 years. The notion that a product of an hour of work can double in 24 years – not much more than half a working lifetime – contributes to the sense of dynamic change which is so much a part of the economic environment.

In an effort, however, to see what may be in the offing in the next ten years, the Commission sponsored a number of studies both of changes in specific industries (e.g. the impact of numerical process control machines in fabricating industries) and the rate of diffusion of innovations – a rate which is, at least partially, amenable to measurement.

The economic impact of a scientific or engineering discovery

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begins not when the discovery is first made, not even when it is first commercially introduced, but only later when the resulting new product or new process receives widespread commercial acceptance. The process of development and diffusion through industry takes time — sometimes a long time. The steam locomotive and the diesel coexisted for at least 30 years; the DC-3 introduced in the 1930's is still flying. Studies made for the Technology Commission confirm the belief that the lag between discovery and commercial application has shortened. Nevertheless, the lags are still substantial.

Frank Lynn concluded (in a study to be published by the Technology Commission) from a limited sample of 20 major technological innovations during the last 60 or 70 years that each step in the process of technological development has shortened. The typical time between a technical discovery and recognition of its commercial potential had fallen from about 30 years before the First World War to 16 years between the wars and 9 years after the Second World War. The additional time required to convert these basic technical discoveries to initial commercial application had decreased from about 7 years to 5 years.

From commercial development to diffusion throughout an industry is again another process. The rate at which new technologies diffused throughout the economy, after their introduction, speeded up between the early part of the century and the interwar period; but there was only a slight further acceleration after 1945. Technological innovations with consumer uses were developed and diffused nearly twice as fast as those with industrial applications.

A second report, by Edwin Mansfield, studying 12 specific technological innovations in 4 major industries, found only a slight and unclear tendency for innovations to spread more rapidly than in the past, but these estimates are comparable to those by Lynn. Mansfield calculated the average time lag between invention and innovation in his sample at about 14 years, while it took another 1 to 15 years before one-half the firms in an industry had taken up the innovation. Measuring from the date of first successful commercial application, it took 20 years or more for all major firms to install centralized traffic control, car retarders, by-product coke ovens and continuous annealing in the railroad and steel industries.

Although there is evidence of a faster rate of technological development, the Commission stressed two points in conclusion. One is that "the implied shrinking of the time scale is quite consistent with the productivity figures already given." The second is that the process is still a fairly long one. The Commission studies suggest "that major technological discoveries may wait as long as 14 years before they reach commercial application even on a small scale, and perhaps another 5 years before their impact on the economy becomes large. It seems safe to conclude that most major technological discoveries which will have a significant economic impact within the next decade are already at least in a readily identifiable stage of commercial development."

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The Irrepressible Family

The rapid growth of world population has raised Malthusian spectres about famine and crowding and made more urgent the efforts to achieve large-scale reductions in births. The population growths that were projected in the early 1950's were extraordinarily threatening (almost four billion persons by the year 2000), but even those expectations have turned out to be serious underestimates. How can one slow down population growth, especially in India and Latin America? Demographers have usually posited two theories. One school sees decrease in family size as the result only of a long-range socio-economic overhaul of the society. Others, more optimistic, have argued that the high rates in underdeveloped countries result simply from unwanted births, and that an intensive educational campaign, plus a cheap and simple contraceptive device, is the answer.

What has now shocked demographers is the scary realization that both theories are wrong, or at least superficial. To simplify some recent findings – reported by Judith Blake in an essay "Demographic Science and the Redirection of Population Policy" issued by the University of California (Berkeley) – the fact seems to be that the masses of people simply want children. Data on ideal family size in India for example show that on the average people prefer four surviving children. The four-child preference is also found in Chile, and in Taiwan. "In all these cases, such an average typically means that close to 60 percent of the respondents consider four or more children to be ideal" and the fact is that, when they can, people try to realize their ideal. In short, the demographers have found that the motivation is a real one.

The finding has led demographers to reconsider the Western historical experience which has shaped sociological theories on family size. Demographers have long known that industrialization and urbanization diminish the economic utility of children (i.e., the bringing of income into the family and caring for one's parents) and increases, so to speak, the costs of raising a child. For many years West European countries have diverged from "overseas" European or "frontier" countries (United States, Canada, Australia, and New Zealand) in the ideals of family-size. West Europeans seem to have considered 2-3 children as ideal; the "frontier" countries, being wealthier, have placed their ideals at 3-4 offspring. What struck demographers sharply in recent years has been the discrepancy between the West European "ideal" and the actual behavior of these families. In fact, the Europeans have now been approximating the 3-4 norm. The data suggests, according to Miss Blake, that in Europe there has been "a latent child hunger" that is now being satisfied under more favorable economic conditions. As Miss Blake concludes:

> Nowhere in the world to date has modernization alone had an abridging and drastically downward effect on family-size desires. Peoples of the wealthy overseas countries have sustained a prolonged boom in births

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> not merely because of intrinsic demographic factors . . . but because they have come close to realizing their wishes for families of 3-4 children. Europeans seem clearly to be attempting to bridge the gap between their desires for a moderate-size family and their modest achievements of the last quarter of a century.

Miss Blake is aware of the disturbing implication of her findings. "This analysis clearly begs the further question of why individuals are still so oriented toward achieving familial statuses in such a seemingly nonfamilial world." The answer seems to be, simply, that having a family with three to four children is a very satisfying way of life, much more so than alternative pleasures and satisfactions, and individuals are often quite willing to make economic sacrifices for these, rather than other, satisfactions.

At this point in her narrative, Miss Blake turns to the problem of social engineering. As she poses the problem, in somewhat clumsy prose: "It seems therefore that a stabilized reduction in the family-size desires of both prosperous and poor countries will require a significant lessening of involvement in familial roles. Otherwise, [population] policy is bucking a motivational syndrome that has a built-in 'righting reflex' in the face of antinatalist blows."

What "deflection from important familial roles" will lead to the desire for smaller families? The chief mechanism, according to Miss Blake, is a job for the woman outside the home. Such jobs, she argues, entail satisfactions alternative to having children (companionship, recreation, creative activity) as well as added family income. The rate of female participation in the working force, she points out, bears "one of the most impressive relationships to family size of any variable in the western world." (In view of this evidence, it is surprising, she says, that in a country like India, where large sums are now being spent in family planning campaigns, that government policy has been one of discouraging rather than encouraging the employment of females.)

And yet, underneath such proposals lurks a deeper pessimism (or optimism, according to one's point of view). For as Miss Blake is forced to conclude: "The family complex may bow to depression, stoop to war and shrink into an urban apartment, but until non-familial roles begin to offer significant competition to familial ones as avenues for adult satisfaction, the family will probably continue to amaze us with its procreative powers."

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